FEDERAL REGISTER

VOLUME 12 NUMBER 25

Washington, Wednesday, February 5, 1947

TITLE 3—THE PRESIDENT

PROCLAMATION 2715

IMPOSING QUOTA ON IMPORTS OF SHORT HARSH OR ROUGH COTTON

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act of 1933 as amended by section 31 of the act of August 24, 1935, 49 Stat. 750, 773, as amended by section 5 of the act of February 29, 1936, 49 Stat. 1148, 1152, and as reenacted by section 1 of the act of June 3, 1937, 50 Stat. 246 (7 U. S. C. 624) the President issued a proclamation on September 5, 1939 (No. 2351,[1] 54 Stat. 2640) limiting the quantities of certain cotton and cotton waste which might be entered, or withdrawn from warehouse, for consumption, which proclamation was suspended in part by the President's proclamations of December 19, 1940 (No. 2450,[1] 54 Stat. 2769) March 31, 1942 (No. 2544,[1] 56 Stat. 1944) and June 29, 1942 (No. 2560,[1] 56 Stat. 1963) and

WHEREAS, the said proclamation of September 5, 1939, excepted from the quota limitations specified therein harsh or rough cotton having a staple of less than three-fourths of one inch in length and chiefly used in the manufacture of blankets and blanketing; and

WHEREAS, pursuant to the said section 22, as further amended by the act of January 25, 1940 (54 Stat. 17) the United States Tariff Commission has made a supplemental investigation to determine whether changed circumstances require the modification of the President's proclamation of September 5, 1939, with respect to harsh or rough cotton having a staple of less than three-fourths of one inch in length, in order to carry out the purposes of the said section 22, and to determine whether such cotton is being or is practically certain to be imported into the United States under such conditions and in sufficient quantities as to render or tend to render ineffective or materially interfere with any program or operation undertaken, or to reduce substantially the amount of any product processed in the United States from cotton subject to and with respect to which any program is in operation under the Agricultural Adjustment Act of 1933, as amended, the Soil Conservation and Domestic Allotment Act, as amended (16 U. S. C. 590a–590q), or section 32 of the act of August 24, 1935, 49 Stat. 774, as amended (7 U. S. C. 612c) and

WHEREAS, in the course of the investigation, after due notice, a public hearing was held on October 14 and 15, 1946, at which parties interested were given opportunity to be present, to produce evidence, and to be heard, and, in addition to the hearing, the Commission made such investigation as it deemed necessary for a full disclosure and presentation of the facts; and

WHEREAS, the Commission has made findings of fact and has transmitted to me a report of such findings and its recommendations based thereon, together with a transcript of the evidence submitted at the hearing, and has also transmitted a copy of such report to the Secretary of Agriculture:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby find and declare, on the basis of the investigation and report of the Tariff Commission, that changed circumstances require the modification of the President's proclamation of September 5, 1939, with respect to harsh or rough cotton having a staple of less than three-fourths of one inch in length, to carry out the purposes of section 22 of the Agricultural Adjustment Act of 1933, as amended, and that such cotton is being imported into the United States under such conditions and in sufficient quantities as to tend to render ineffective the domestic cotton programs undertaken under section 32 of the act of August 24, 1935, 49 Stat. 774, as amended. Accordingly, pursuant to the said section 22 of the Agricultural Adjustment Act of 1933, as amended, I hereby modify the President's proclamation of September 5, 1939 (No. 2351) by deleting therefrom the words "and chiefly used in the manufacture of blankets and blanketing" wherever they appear therein; and I do hereby proclaim that the total quantity of harsh or rough cotton having a staple of less

(Continued on p. 825)

[1] 3 CFR, Cum. Supp.

CONTENTS

THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 238) which were carried under "Notices" prior to January 1, 1947 are now presented in a new section entitled "Proposed Rule Making" Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

CONTENTS—Continued

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.

[1] Proc. 2715.
[2] P. L. O. 267.

CODIFICATION GUIDE—Con.

CODIFICATION GUIDE—Con.

than three-fourths of one inch in length which may be entered, or withdrawn from warehouse, for consumption, in the year commencing September 20, 1946, and in any subsequent year commencing September 20, shall not exceed 70 million pounds, which quantity I hereby find and declare shown by the investigation to be necessary to prescribe in order that the entry of such cotton will not tend to render ineffective the programs undertaken with respect to cotton under section 32 of the act of August 24, 1935, 49 Stat. 774, as amended. I further find and declare that the total quantity of harsh or rough cotton having a staple of less than three-fourths of one inch in length which is permitted entry hereunder, is not less than the minimum permissible quantity computed under the proviso to section 22 (b) of the Agricultural Adjustment Act of 1933, as amended.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this first day of February in the year of our Lord nineteen hundred and forty-seven, and of the Independence of the United States of America the one hundred and seventy-first.

[SEAL]

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 47-1115; Filed, Feb. 3, 1947; 12:52 p. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of Secretary of Agriculture

PART 7—PRICE DECONTROL AND RECONTROL

CORN

§ 7.50 *Certification of agricultural commodities in short supply.* Pursuant to the authority vested in me by the Emergency Price Control Act of 1942, as amended, and particularly by section 1A (e) (1) of said act as added by the Price Control Extension Act of 1946, I hereby certify to the Temporary Controls Administrator that modifications in the certification of commodities in short supply, made on September 1, 1946, as amended (11 F. R. 9669, 11349, 13135, 14063, 12 F. R. 60), should be and the same hereby are, made as follows: The following commodities are determined to be no longer in short supply:

Corn including all food and feed products thereof except protein meals, sweeteners, and oil.

Done this 31st day of January 1947.

(Pub. Law 548, 79th Cong.)

[SEAL]

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-1033; Filed, Feb. 4, 1947; 8:53 a. m.]

Chapter I—Production and Marketing Administration (Standards, Inspection, Marketing Practices)

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS (GRADING, CERTIFICATION AND STANDARDS)

STANDARDS FOR FRESH TOMATOES

Pursuant to the provisions of the Department of Agriculture Appropriation Act, 1947 (Pub. Law 422, 79th Cong., 2d Sess., approved June 22, 1946) the following United States Standards for fresh tomatoes are hereby promulgated:

§ 51.419 *Fresh tomatoes*—(a) *Grades.* (1) "U. S. No. 1" shall consist of tomatoes of similar varietal characteristics, which are mature, but not overripe or soft; which are well developed, fairly well formed, fairly smooth, free from decay, freezing injury, and from damage caused by dirt, bruises, cuts, sunscald, sunburn, puffiness, catfaces, growth cracks, scars, disease, insects, hail or mechanical, or other means.

(i) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the tomatoes in any lot may fail to meet the requirements of this grade, but not more than one-half of this tolerance, or 5 percent, shall be allowed for defects causing serious damage, including not more than 1 percent for soft ripe tomatoes or tomatoes affected by decay at shipping point or in shipments from Mexico when inspected at points of entry into the United States. In addition, enroute or at destination; a total tolerance of not more than 5 percent shall be allowed for soft ripe tomatoes and tomatoes affected by decay, and a tolerance of not more than 5 percent shall be allowed for tomatoes damaged by shoulder bruises or badly discolored or sunken shoulder scars, and similar scars found on any parts of the tomatoes in addition to those permitted under the 10 percent tolerance for defects.

(2) "U. S. Combination" shall consist of a combination of U. S. No. 1 and U. S. No. 2 tomatoes: *Provided,* That at least 60 percent, by count, meet the requirements of U. S. No. 1 grade.

(i) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the tomatoes in any lot may fail to meet the requirements of the U. S. No. 2 grade, including not more than 1 percent for soft ripe tomatoes or tomatoes affected by decay at shipping point or in shipments from Mexico when inspected at points of entry into the United States. In addi-

tion, en route or at destination, a total tolerance of not more than 5 percent shall be allowed for soft ripe tomatoes and tomatoes affected by decay, and a tolerance of not more than 5 percent shall be allowed for tomatoes seriously damaged by shoulder bruises or badly discolored or sunken shoulder scars, and similar scars found on any parts of the tomatoes in addition to those permitted under the 10 percent tolerance for defects. No part of any tolerance shall be allowed to reduce for the lot as a whole the percentage of U. S. No. 1 tomatoes required in the combination but individual containers may have not more than 10 percent less than the percentage of U. S. No. 1 required: *Provided,* That the entire lot averages within the percentage specified.

(3) "U. S. No. 2" shall consist of tomatoes of similar varietal characteristics, which are mature, but not overripe or soft; not badly misshapen, free from decay, unhealed cuts, freezing injury, and from serious damage caused by dirt, bruises, sunscald, sunburn, puffiness, catfaces, growth cracks, scars, disease, insects, hail or mechanical or other means.

(i) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the tomatoes in any lot may fail to meet the requirements of this grade, including not more than 1 percent for soft ripe tomatoes or tomatoes affected by decay at shipping point or in shipments from Mexico when inspected at points of entry into the United States. In addition, en route or at destination, a total tolerance of not more than 5 percent shall be allowed for soft ripe tomatoes and tomatoes affected by decay, and a tolerance of not more than 5 percent shall be allowed for tomatoes seriously damaged by shoulder bruises or badly discolored or sunken shoulder scars, and similar scars found on any parts of the tomatoes in addition to those permitted under the 10 percent tolerance for defects.

(4) "Unclassified" shall consist of tomatoes which are not graded in conformity with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(b) *Marking for size.* (1) The minimum size, total count, or description of the arrangement of the tomatoes in the top layer in any package should be plainly stenciled or otherwise marked on the package.

(2) "Minimum size" means the greatest diameter of the smallest fruit measured at right angles to a line running from the stem to the blossom end. It should be stated in terms of whole and quarter inches as, 2" minimum, 2¼" minimum, 2½" minimum, and so on, in accordance with the facts.

(3) In order to allow for variations incident to proper sizing, not more than 5 percent, by count, of the tomatoes in any lot may vary from the minimum diameter or the total count specified. (The tolerance for the packs is given under "U. S. Standard Packs.")

(c) *U. S. Standard Packs.* (1) "U. S. Standard Packs" apply particularly to packing in lugs and should be designated according to the number of rows in the top layer in a lug, as 5 x 5, 5 x 6, 6 x 6, and so on, in accordance with the facts. The tomatoes in all layers shall show a uniform type of arrangement, e. g., square, offset or diagonal. The following terms shall be used to describe U. S. Standard Packs in lugs:

(2) "U. S. Straight Pack": When specified as "U. S. Straight Pack" the tomatoes shall be fairly uniform in size and fairly tightly packed, and all layers in any lug shall have the same number of tomatoes: *Provided,* That when a diagonal arrangement of tomatoes is used, a variation of not more than one tomato shall be permitted in different layers. For example, in a 5 x 5 pack the tomatoes shall be packed 5 rows wide and 5 rows long in each layer, or in a 4 x 5 x 9 diagonal pack the tomatoes shall be packed alternately 4 and 5 to row the short way of the lug with 9 such rows in the layer and with either 40 or 41 tomatoes in each layer. Unless otherwise specified, the net weight of the tomatoes in the lug shall be not less than 30 pounds. Not more than one tomato shall be placed in a wrapper.

(3) "U. S. Extra Row Pack": When specified as "U. S. Extra Row Pack" the tomatoes shall be fairly uniform in size and fairly tightly packed, and the lower layers shall not contain more than one additional row one way of the lug. For example, in a 5 x 5 pack, the tomatoes in the lower layers may be packed 5 x 6 but not 6 x 6 or 5 x 7. Unless otherwise specified, the net weight of the tomatoes in the lug shall be not less than 30 pounds. Not more than one tomato shall be placed in a wrapper.

(4) "U. S. Bridge Pack": When specified as "U. S. Bridge Pack" the tomatoes shall be fairly uniform in size and fairly tightly packed, and a part of one additional layer of tomatoes shall be packed in the lug and the remaining tomatoes in the lower layers shall not contain more than one additional row one way of the lug than is contained in the top layer. Unless otherwise specified, the net weight of the tomatoes in the lug shall be not less than 30 pounds. Not more than one tomato shall be placed in a wrapper.

(5) "U. S. Double Wrap Pack": When specified as "U. S. Double Wrap Pack" the tomatoes shall be fairly uniform in size and fairly tightly packed, and the tomatoes in the top layer shall be packed with not more than one tomato in a wrapper and the lower layer or layers shall be packed with not more than two tomatoes in a wrapper. Unless otherwise specified, the net weight of the tomatoes in the lug shall be not less than 30 pounds.

(6) "U. S. Double Wrap Bridge Pack": When specified as "U. S. Double Wrap Bridge Pack" the tomatoes shall be fairly uniform in size and fairly tightly packed; the tomatoes in the top layer shall be packed with not more than one tomato in a wrapper and the lower layer or layers shall be packed with not more than two tomatoes in a wrapper: *Provided,* That part of one additional layer which may have either one or two tomatoes in a wrapper shall be packed in the lug. Unless otherwise specified, the net weight of the tomatoes in the lug shall be not less than 30 pounds.

(7) In order to allow for variations incident to proper packing, not more than 10 percent, by count, of the containers in any lot may not meet the requirements for any described pack.

(8) "Irregular Pack": Lugs of tomatoes which are not packed in accordance with any of the foregoing methods of packing may be designated as "Irregular Pack."

(d) *Application of tolerances.* (1) The contents of individual containers in the lot, based on sample inspection, are subject to the following limitations: *Provided,* The averages for the entire lot are within the tolerances specified:

(2) When a tolerance is 10 percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified, except that at least one defective and one off-sized specimen may be permitted in any container.

(3) When a tolerance is less than 10 percent, individual containers in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-sized specimen may be permitted in any container.

(e) *Definitions.* (1) "Similar varietal characteristics" means that the tomatoes are alike as to firmness of flesh and shade of color, i. e., that soft-fleshed early maturing varieties are not mixed with firm-fleshed mid-season or late varieties, or bright red varieties mixed with varieties having a purplish tinge.

(2) "Mature" means that the contents of the seed cavities have begun to develop a jelly or glue-like consistency and the seeds are well developed.

(3) "Well developed" means that the tomato shows normal growth. Tomatoes which are ridged and peaked at the stem end, contain dry tissue and usually open spaces, are not considered well developed.

(4) "Fairly well formed" means that the tomato is not decidedly kidney-shaped, lopsided, elongated, angular, or otherwise deformed.

(5) "Fairly smooth" means that the tomato is not conspicuously ridged or rough.

(6) "Damage" means any defect which materially affects the appearance, edible, or shipping quality. Any one of the following defects or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Cuts which are not shallow, not well healed or more than ½ inch in length.

(ii) Puffy tomatoes: These tomatoes are usually angular and flat sided. They are damaged if open space in one or more locules materially affects the appearance when the tomato is cut through the center at right angles to a line running from the stem to the blossom end.

(iii) Catfaces: These are irregular, dark, leathery scars at the blossom end of the fruit. Such scars damage the tomato when they are rough or deep, or when channels extend into the locule, or when they are fairly smooth and

greater in area than a circle ½ inch in diameter on a 2½ inch tomato. Smaller tomatoes shall have lesser areas of fairly smooth catfaces and larger tomatoes may have greater areas: *Provided*, That such catfaces do not affect the appearance of the tomatoes to a greater extent than that caused by fairly smooth catfaces which are permitted on a 2½ inch tomato.

(i) Growth cracks: These are ruptures or cracks radiating from the stem scar, or concentric to the stem scar. They damage the tomtao when not well healed, or when more than ½ inch in length; except, that very narrow, well healed cracks concentric to the stem scar shall not be considered as damage unless they are so numerous as to damage the appearance of the fruit.

(v) Scars (except catfaces) when aggregating more than ⅜ inch in diameter on a tomato 2½ inches in diameter. Smaller tomatoes shall have lesser areas of scars and larger tomatoes may have greater areas: *Provided*, That such scars do not affect the appearance of the tomatoes to a greater extent than that caused by scars which are permitted on a 2½ inch tomato.

(7) "Serious damage" means any defect which seriously affects the appearance, edible or shipping quality. The following shall be considered as serious damage:

(i) Soft ripe tomatoes or tomatoes affected by decay.

(ii) Fresh holes or cuts, or any holes or cuts through the tomato wall.

(iii) Tomatoes showing any effects of freezing.

(iv) Puffiness which causes the tomato to be distinctly light in weight.

(v) Fruit actually infested with worms.

(8) "Badly misshapen" means that the tomato is so badly deformed that its appearance is seriously affected.

(9) "Fairly uniform in size" means that not more than 10 percent, by count, of the tomato in any container may vary more than one-half inch in diameter. "Diameter" means the greatest dimension taken at right angles to a line running from the stem to the blossom end.

These standards for fresh tomatoes hereby supersede the standards that have been in effect since September 3, 1934.

It is hereby found and determined that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong. 60 Stat. 237) in connection with the issuance of these revised standards, is impracticable, unnecessary and contrary to the public interests in that: (1) The standards for fresh tomatoes have been in the process of revision since June 1946 and the revised standards have been prepared on the basis of suggestions of growers, packers, shippers and other handlers of tomatoes; (2) the issuance of the revised standards, effective February 5, 1947, is necessary to make such standards conform to present handling and packing practices; and (3) the issuance of the revised standards which includes only minor changes should be accomplished as soon as possible because the seasonable shipments of tomatoes have begun.

(Pub. Law 422, 79th Cong.)

Issued at Washington, D. C., this 30th day of January 1947, to be effective on and after the 5th day of February 1947.

[SEAL] RALPH S. TRIGG,
Acting Administrator, Production and Marketing Administration.

[F. R. Doc. 47-1075; Filed, Feb. 4, 1947; 9:00 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Orange Reg. 110]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN THE STATE OF FLORIDA

LIMITATION OF SHIPMENTS

§ 933.329 *Orange Regulation 110*—(a) *Findings.* (1) Pursuant to the amended marketing agreement and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq., 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) Orange Regulation 109 (12 F. R. 765) is hereby terminated as of the effective time of this section.

(2) During the period beginning at 12:01 a. m., e. s. t., February 5, 1947, and ending at 12:01 a. m., e. s. t., February 17, 1947, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which grade U. S. No. 2, as such grade is defined in the United States standards for citrus fruits, as amended (11 F. R. 13239; 12 F. R. 1) if more than one-half of the surface in the aggregate is affected with discoloration;

(ii) Any container of oranges, except Temple oranges, grown in the State of Florida, which grade U. S. Combination Grade (as such grade is defined in the aforesaid amended United States standards) unless at least sixty-five percent (65%), by count, of the total quantity of oranges in such container meet the requirements of U. S. No. 1 grade (as such grade is defined in the aforesaid amended United States standards) and each of the remainder of the oranges meets all other requirements of the aforesaid U. S. Combination Grade;

(iii) Any oranges, including Temple oranges, grown in the State of Florida, which grade U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade, as such grades are defined in the United States standards for citrus fruits, as amended (11 F. R. 13239; 12 F. R. 1),

(iv) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 250 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to Section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09)) or

(v) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size larger than a size that will pack 150 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit).

(3) As used herein, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 3d day of February 1947.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-1133; Filed, Feb. 4, 1947; 9:03 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

PART 222—CONSUMER CREDIT

AUTOMOBILE LICENSE TAXES AND FEES

The following interpretation under this part relating to Consumer Credit was issued by the Board of Governors of the Federal Reserve System on January 28, 1947:

§ 222.110 *Automobile license taxes and fees.* Taxes and fees payable as a prerequisite to obtaining license plates in the name of the purchaser of a used automobile, when paid as part of the cash

price, may be added in computing the appraisal guide value under § 222.9 (d)

(Sec. 5 (b) 40 Stat. 415, as amended by sec. 5, 40 Stat. 966, sec. 2, 48 Stat. 1, sec. 1, 54 Stat. 179; secs. 301 and 302, 55 Stat. 839, 840; 12 U. S. C. 95 (a) and Supp., 50 U. S. C. App. 616, 617, and Executive Order No. 8843, Aug. 9, 1941, 3 CFR, Cum. Supp.)

[SEAL] BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
S. R. CARPENTER,
Secretary.

[F. R. Doc. 47-1045; Filed, Feb. 4, 1947; 9:04 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

SUPPLEMENT S-T

The Securities and Exchange Commission, acting pursuant to the Securities Act of 1933, particularly sections 7, 10 and 19 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the act, hereby amends Instructions 1 and 3 of the General Instructions to Supplement S-T (17 CFR 239.20, 11 F R. 177A-733) to read as follows:

1. The special items comprising this Supplement S-T (17 CFR 239.20) shall be applicable to issuers registering securities under the Securities Act of 1933 if any of the securities being registered are to be issued under an indenture required to be qualified under the Trust Indenture Act of 1939. The special items, together with the answers thereto, shall be inserted in the registration statement immediately preceding the Undertaking To File Reports.

3. There may be omitted from any prospectus all matter contained in the registration statement pursuant to the requirements of this supplement, except Item 4-T. The analysis required by Item 4-T may be omitted from any "newspaper prospectus" as that term is defined in Instruction 1 of the Instructions as to Newspaper Prospectuses in Form S-1.

The Commission finds that the foregoing amendments involve only the clarification of matters of procedure or practice and do not effect any substantive change and therefore that notice and public procedure pursuant to section 4 (a) and (b) of the Administrative Procedure Act are unnecessary. In view of the desirability of having the matter involved in the foregoing amendments clarified as soon as possible, good cause exists for declaring the amendments effective in less than thirty days; hence the amendments shall become effective January 30, 1947.

(Secs. 7, 10 and 19 (a) 48 Stat. 78, 81, 85; 15 U. S. C. 77g, 77j, 77s)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-1051; Filed, Feb. 4, 1947; 9:00 a. m.]

TITLE 24—HOUSING CREDIT

Chapter IV—Home Owners' Loan Corporation

PART 403—COMPTROLLER

AUTHORITY TO SIGN CHECKS

CROSS REFERENCE: For an exception to the provisions of § 403.01-7, see Part 404 of this chapter, *infra*, authorizing the Treasurer and the Assistant Treasurer of the Home Owners' Loan Corporation to sign checks drawn on accounts maintained with the Treasurer of the United States.

[Bulletin 413]

PART 404—TREASURY, HOME OFFICE[1]

RECEIPTS AND DISBURSEMENTS

1. Section 404.02-2 (10 F R. 8454) is amended to read as follows:

§ 404.02-2 *Signatories and countersignatories.* The Treasurer and the Assistant Treasurer of the Home Owners' Loan Corporation are authorized individually to disburse funds from and sign checks, either in person or by facsimile signature, drawn on any or all of the accounts maintained with the Treasurer of the United States. All checks for amounts in excess of $5,000 signed under the authority conferred by the first sentence of this section shall be signed personally by the Treasurer or by the Assistant Treasurer and countersigned by the General Manager, Assistant to the General Manager, or Deputy General Manager. The provisions of the first sentence of the second paragraph of § 403.01-7 of this chapter relating to countersignatures on checks drawn on the Regional Working Fund shall not apply to checks signed under the authority conferred by the first sentence of this section.

2. Section 404.02-6 is amended to read as follows:

§ 404.02-6 *Employee death and other claims.* It is the responsibility of the Treasurer to submit to the General Accounting Office for settlement claims properly supported by an administrative report and certified by the auditor, for proceeds of checks erroneously issued and covered by United States Treasury into "Outstanding Liabilities Account." Claims for amounts due deceased or incompetent employees or creditors of the Corporation, claims for the proceeds of unpaid checks which have not been covered by the United States Treasury into "Outstanding Liabilities Account," and any other type of claim on behalf of such employees or creditors, shall be disbursed by the Treasurer of the Corporation upon certification by the auditor or other authorized certifying officer. Such claims shall be supported by an administrative report prepared by the auditor or other authorized certifying officer and a signed copy of the determination of the General Counsel as to the payee or payees entitled to the proceeds thereof. (Secs. 4 (a) 4 (k) 48 Stat. 129, 132, 647; 12 U. S. C. 1463; E. O. 9070, Feb. 24, 1942, 3 CFR Cum. Supp.)

Effective: December 23, 1946.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 47-1084; Filed, Feb. 4, 1947; 8:50 a. m.]

[1] This contains the portion of former Part 407 which relates to the Home Office.

Chapter VIII—Office of Housing Expediter

[Premium Payments Reg. 6 as Amended Feb. 3, 1947, Incl. Ints. 1-4]

PART 805—PREMIUM PAYMENTS REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

HARDWOOD FLOORING—SOUTHERN AREA

Purpose and findings. This general regulation is issued to stimulate additional production of hardwood flooring in the southern area by providing for premium payments on production of such flooring above established quotas. It describes how quotas are established, and the methods, procedures and conditions under which premium payments may be obtained. This regulation is issued pursuant to the authority of the "Veterans' Emergency Housing Act of 1946."

All available means of increasing the supply of hardwood flooring for the veterans' emergency housing program and for other construction, maintenance and repair essential to the national well-being have been considered. Based on such consideration, the Expediter finds that premium payments on hardwood flooring are temporarily necessary to increase its supply and to stimulate such additional production with greater rapidity, economy and certainty than other available methods. The premium payments provided herein are applied at a uniform rate within the industry. In applying premium payments to necessary additional production in this industry emphasis has been placed upon avoiding either economic dislocations or adverse effects upon established business.

Par.

§ 805.6 *Hardwood flooring (southern area)*—(a) *Definitions.* (1) "Hardwood flooring" means flooring which is produced from hardwood species, and which is end matched and machine patterned in 25/32" and thinner thicknesses. In addition, it includes custom hardwood flooring, which is hardwood flooring produced from lumber not owned by the flooring producer.

(2) "Residential flooring" means hardwood flooring which meets these requirements:

(i) It is produced from the species oak, beech, pecan, birch or hard maple, which has been properly kiln dried.

(ii) It has been side matched, end matched and machine patterned (except that 5/16" square edge shall be included) in 25/32" and thinner thicknesses, and it has been machined to face widths of 1⅓" 1½" 2" 2¼" 2½", 2¾" or 3¼"

(iii) It has been graded in accordance with the official grading rules of the National Oak Flooring Manufacturers' Association (effective November 8, 1943)

Residential flooring may be unfinished, dip-treated or factory finished. It does not include custom hardwood flooring.

(3) "Southern area" means the areas set forth in Appendix A.

(4) "Person" means an individual, corporation, partnership, association, or any other organized group of any of the foregoing, or legal successor or representative of any of the foregoing, but does not include the United States, any of its political subdivisions or any agency thereof, any other Government, any of its political subdivisions or any agency thereof.

(5) "Plant" means a manufacturing establishment for the production of hardwood flooring which is located in the southern area, occupies a single site and, where consisting of several complete manufacturing units, uses common shipping and storing facilities and common operating supervision.

(6) "Company" means a person who manufactures hardwood flooring. If a person owns several plants, it shall be considered a company only with respect to plants located in the southern area. For purposes of this section, a sawmill or concentration yard which is owned by a company and located in the southern area shall be considered a part of the company.

(7) "Southern hardwood flooring lumber" means lumber which is produced in the southern area from the species oak, beech, pecan, birch or hard maple, in the following condition, grades and thicknesses: condition—rough; grades—No. 2 common and No. 3a common, except that the grades for lumber produced from pecan shall be No. 2 common and No. 3 common; thicknesses—4/4", 5/4" and 5/8" The grading and measurements shall be in accordance with the rules of the National Hardwood Lumber Association, effective January 1, 1946.

(8) "Southern usable lumber" means southern hardwood flooring lumber which has been on sticks or end racked at least the following number of days: 45 days for 5/8" thickness lumber; 60 days for lumber produced from the species beech or pecan in 4/4" or 5/4" thicknesses; 90 days for all other lumber.

(9) "Southern green lumber" means southern hardwood flooring lumber which does not meet the definition of southern usable lumber.

(10) "Supplier" means any person who supplies southern hardwood flooring lumber to a "company." However, unless otherwise authorized by the Expediter, a "company" shall not be considered a supplier.

(11) "Premium A" means a premium payable under paragraph (d) of this section.

(12) "Premium B" means a premium payable under paragraph (e) of this section.

(13) "Production" and "units of production" mean the amount of hardwood flooring produced, measured in thousands of feet, flooring count.

(14) "Flooring count" means the hardwood flooring measure described in the official grading rules of the National Oak Flooring Manufacturers' Association (effective November 8, 1943)

(15) "Quarter" means a period of three consecutive calendar months, beginning August 1, November 1, and February 1. However, any company on whom this provision works a hardship may apply, by letter, to the Expediter, Washington, D. C., for authorization to submit its application for quota and claims on the basis of a stipulated fiscal quarter. With respect to a company that has received such authorization, this section shall become effective on the first day of the fiscal month beginning on or after August 1, 1946, and shall terminate on the same date that this section terminates as to other companies.

(16) "New producer" means with respect to a plant which prior to the effective date of this section was not operated for the production of hardwood flooring, a person who operates such plant after the effective date of this section, and who did not operate, prior to the effective date of this section, any plant for the production of hardwood flooring.

(17) "Claim" means a claim for premium payments filed pursuant to this section.

(18) "Expediter" means the Housing Expediter as defined in the Veterans' Emergency Housing Act of 1946, or his duly authorized representative.

(19) "OHE" means the Office of the Housing Expediter.

(b) *Establishment of quota*—(1) *Rules.* A quota shall be established for each company, in accordance with the rules below. In applying the rules, follow these instructions:

(i) Use Rule 1 for all plants owned by the company on August 1, 1946, if it applies to any such plant. If Rule 1 does not apply, use Rule 2. If neither Rule 1 nor Rule 2 applies to any plant, use Rule 3.

(ii) If a plant owned by the company on August 1, 1946, was under different ownership in the applicable quota period, include the production or productive capacity (whichever is appropriate) of that plant during such period.

(iii) If, after August 1, 1946, an additional plant is acquired, the company shall apply, by letter, to the Expediter, Washington, D. C., for a new company quota.

(iv) In computing actual hardwood flooring production, under subparagraph (a) of Rule 1 or Rule 2, include all hardwood flooring production.

Rule 1. Company which produced hardwood flooring in any plant at least 45 days during first quarter of 1946. The quota shall be the lower of the following:

(a) Actual production of hardwood flooring during the first quarter of 1946; or

(b) Productive capacity of all hardwood flooring machines in place on March 31, 1946, computed on the basis of 1,040,000 feet flooring count per machine.

Example 1. X company owns one plant, which produced hardwood flooring at least 45 days during the first quarter of 1946. Four machines are installed in the plant, and during the quarter only two were operated. X's actual production of hardwood flooring was 2,210,000 feet flooring count.

X's quota is 2,210,000 feet flooring count, since this is lower than 4,160,000 feet flooring count, his productive capacity computed under (b) above (4 x 1,040,000=4,160,000).

Example 2. Y company owns one plant, which produced hardwood flooring at least 45 days during the first quarter of 1946. One machine is installed in the plant, and during the quarter this machine was operated on an overtime basis. Accordingly, Y's actual production of hardwood flooring was 1,170,000 feet flooring count.

Y's quota is 1,040,000 feet flooring count, his productive capacity computed under (b) above, since this is lower than his actual production.

Example 3. Z company owns two plants, each of which has two machines. Plant #1 produced hardwood flooring at least 45 days during the first quarter of 1946, and its actual production was 2,000,000 feet flooring count. Plant #2 was idle during the period January 1 through June 30, 1946.

Since Rule 1 applies to Plant #1, Z will use this rule for all plants, in determining his company quota. Accordingly, Z's quota is 2,000,000 feet flooring count (actual hardwood flooring production during the first quarter of 1946), for this is lower than 4,160,000 feet flooring count (productive capacity).

Rule 2. Company which cannot qualify under Rule 1, but which produced hardwood flooring in any plant at least 15 days in each of three months during the period January 1 through June 30, 1946. The quota shall be the lower of the following:

(a) Actual production of hardwood flooring during the first three months, in the period January 1 through June 30, 1946, where hardwood flooring was produced at least fifteen days per month; or

(b) Productive capacity of all hardwood flooring machines in place at the end of the third month determined under (a), computed on the basis of 1,040,000 feet flooring count per machine.

Example 4. In the period January 1 through June 30, 1946, M company produced hardwood flooring 25 days in January, 0 days in February, 10 days in March, 15 days in April and 25 days in May. M will determine actual production during January, April and May, and compare it with productive capacity of all machines in place on May 31.

Rule 3. Any other company. The quota shall be determined by the Ex-

peditor. However, no quota shall be established for a new producer which would result in the application of premium payments to more than 50 percent of the value (in terms of producer's selling price) of the total output of such producer.

(2) *Adjustment of quota by Expediter* Where production of a company during the first quarter under this section, or during the period November 1 through December 31, 1946, has been interrupted due to unusual circumstances beyond the control of the company, the company may, by letter, report these circumstances to the Expediter. The Expediter may, for purposes of determining the company's eligibility to receive premium A, adjust the quota for the first quarter, or the months of November and December, as the case may be.

(c) *Application for quotas.* Every company who wishes to receive premium payments under this section shall file an application for quota on form NHA 14-67. This form may be obtained from any RFC Loan Agency, and shall be filed with the Expediter by September 15, 1946. However, if a company did not produce hardwood flooring in the period January 1 to August 1, 1946, such form may be filed after September 15, 1946.

(d) *Premium A*—(1) *Eligibility for premium A for the first quarter* A company is eligible for premium A for the first quarter under this section if its production (as determined under paragraph (f) of this section) during such quarter was in excess of quota.

(2) *Rate and amount of premium A for the first quarter* The rate and amount of premium A shall be calculated at the end of the first quarter under this section, according to the following rules:

Rule A. If a company's production during the quarter was ten percent or more above its quota, the amount payable will be based on all southern hardwood flooring lumber delivered during the quarter for use in the production of hardwood flooring. The rate of payment shall be $8.50 per thousand feet board measure for southern hardwood flooring lumber which was usable when delivered, and $6.00 per thousand feet board measure for such lumber which was green when delivered.

If a company produces its own southern hardwood flooring lumber, the amount payable with respect to self-produced lumber will be based on all southern usable lumber received for use in the production of hardwood flooring during the claim period: *Provided,* That an invoice has been prepared showing the quantity of the lumber. The rate of payment shall be $8.50 per thousand feet board measure for such southern usable lumber.

Rule B. If a company's production during the quarter was above its quota, but less than ten percent above, the amount payable will be calculated as follows:

(a) For each one percent increase over the company's quota, ten percent of the amount which would be payable under Rule A, if that rule were applicable.

Example 5. L company's production is five percent above its quota, and during the quarter deliveries of southern hardwood flooring lumber were as follows: 10,000,000 feet board measure, usable lumber; 20,000,000 feet board measure, green lumber.

Under (a) above, the total amount payable is computed as follows:

10,000 MFBM x 5 x $0.85	$42,500
20,000 MFBM x 5 x $0.60	60,000
	102,500

(b) If production during the quarter of all companies that have applied for quotas (under paragraph (c) of this section) is ten percent or more above the sum of the quotas of such companies, the company will be reimbursed for the difference between the amount paid on the basis of (a) and the amount payable under Rule A.

Rule C. If a company's production during the quarter was not above quota, no amount is payable, except as provided in paragraph (d) (4) below.

[Rule D and Examples 6 and 7 deleted as of December 31, 1946]

(3) *Eligibility for premium A for November and December 1946.* A company is eligible for premium A for the period November 1 through December 31, 1946, if its production (as determined under paragraph (f) of this section) during such period was in excess of two-thirds of its quota.

(4) *Rate and amount of premium A for November and December 1946.* The rate and amount of premium A for the period November 1 through December 31, 1946, shall be calculated at the end of such period, according to the rules set forth in paragraph (d) (2) In applying these rules, production during the period November 1 through December 31, 1946 shall be compared with two-thirds of the quota established under paragraph (b)

A company may, at its option, combine production during the period November 1 through December 31, 1946, with production in the first quarter under this section. The amount payable for this five-month period shall be determined under Rules A and B (a) in paragraph (d) (2) above, on the basis of combined production in such period rather than on actual production in the first quarter and actual production in the period November 1 through December 31, 1946. If payment already has been made on a claim for the first quarter, such payment shall be deducted from the total amount payable which is computed under this provision.

Example 6. For the first quarter, N company has a quota of 2,000,000 feet flooring count, and for the period November and December, a quota of 1,333,333 feet flooring count, which is two-thirds of the quota for the second quarter. During the quarter beginning August 1, 1946, N's actual production was 1,700,000 feet flooring count, while in November and December its production was 2,000,000 feet flooring count. At the end of December N may file a claim for the five-month period based on 3,700,000 feet flooring count, production for this period. Since this figure exceeds 3,333,333 feet flooring count (2,000,000+1,333,333) by at least ten percent, N is entitled to premium A for the five-month period on the basis of the rates set forth under Rule A in paragraph (d) (2).

Example 7. In the quarter beginning August 1, 1946, L company (as indicated in Example 5) exceeded its quota by five percent, and received payment of $102,500. At the end of December, 1946, L files a claim based on its production during the five-month period. Since production for this period is at least ten percent above the sum of L's quota for the first quarter and two-thirds of its quota for the second quarter, L is entitled to receive premium A for the five-month period on the basis of the rates set forth under Rule A in paragraph (d) (2). However, as L already received $102,500 for the first quarter, this must be deducted from his claim for the five-month period.

[Former subparagraphs (3) and (4) redesignated (5) and (6), new (3) and (4) added as of December 31, 1946]

(5) *Company which uses northern hardwood flooring lumber.* For a company which uses northern hardwood flooring lumber, as defined in paragraph (a) (7) of § 805.7 (Housing Expediter Premium Payments Regulation No. 7), the rate and amount of Premium A shall be determined under paragraph (d) § 805.7.

(6) *Use of southern hardwood flooring lumber on which Premium A is payable.* Except for usual waste, all southern hardwood flooring lumber on which Premium A is payable must be used in the production of residential flooring, unless otherwise authorized by the Expediter.

Southern hardwood flooring lumber which is in inventory when this section is terminated shall be used in the production of residential flooring within five months from the termination date. To enable the Expediter to determine whether this condition is met, a company shall file a monthly report with the Expediter, Washington, D. C., on form OHE-14-158 covering each month in this five-month period, showing the amount of southern hardwood flooring lumber consumed in the production of residential flooring during the month, the amount of residential flooring produced in the month, the inventory of residential flooring at the end of the month, and the value, f. o. b. plant, of residential flooring produced during the month. This report shall be filed on or before the last day of the month following the month covered. By the end of the five-month period the company shall certify that all southern hardwood flooring lumber in inventory when the regulation was terminated has been used in the production of residential flooring. If the Expediter

finds that a company has not complied with these conditions, he may invalidate claims for the last claim period.

(e) *Premium B*—(1) *Eligibility.* A company is eligible for premium B under this section if, during the period covered by the claim, its production (as determined under paragraph (f) of this section) is in excess of its quota.

(2) *Rate and amount of premium B.* For the first quarter under this section a company shall be paid $7.50 per thousand feet flooring count on all production in excess of its quota. For the period November 1 through December 31, 1946, a company shall be paid $7.50 per thousand feet flooring count on all production in excess of two-thirds of its quota. The amount payable for each claim period shall be computed by subtracting the amount of the company's quota or two-thirds of the company's quota, as the case may be, from its production for that period, and multiplying the remainder by $7.50 per thousand feet flooring count.

(f) *Computation of production for premium A and B claims*—(1) *First quarter premium A claims.* With respect to premium A claims for the first quarter under this section, production for the period covered by such claims shall include production of all residential flooring, and of all flooring produced for the account of the Federal Public Housing Authority from lumber owned by FPHA. It may also include all production of other hardwood flooring, non-custom and custom.

(2) *First quarter premium B claims.* With respect to premium B claims for the first quarter under this section, production for the period covered by such claims shall include production of all residential flooring, and of all flooring produced for account of the Federal Public Housing Authority from lumber owned by FPHA. It may also include production of other hardwood flooring, non-custom and custom, up to but not exceeding the quantity of each in the quota period. Where, however, the quota is based on productive capacity, rather than actual production, production may include other hardwood flooring in a quantity no greater than the lower of the following: (i) the amount of other hardwood flooring production in the quota period; (ii) the difference between productive capacity (computed under paragraph (b) of this section) and residential flooring production in the quota period.

(3) *Premium A and B claims for the period November and December 1946.* With respect to claims for premium A and B for the period November 1 through December 31, 1946, production for this period shall include production of all residential flooring, and of all flooring produced for the account of the Federal Public Housing Authority from lumber owned by FPHA. It may also include production of other hardwood flooring, non-custom and custom up to but not exceeding two-thirds of the quantity of each in the quota period. Where, however, the quota is based on productive capacity, rather than actual production, production for the period may include other hardwood flooring in a quantity no greater than the lower of the following: (i) two-thirds of the amount of other hardwood flooring production in the quota period; (ii) the difference between two-thirds of productive capacity (computed under paragraph (b) of this section) and two-thirds of residential flooring production in the quota period.

Example 8. R company has a quota of 2,000,000 feet flooring count. This quota, which is based on actual production in the quota period, consists of: 1,000,000 feet residential flooring; 750,000 feet other hardwood flooring (non-custom); 250,000 feet other hardwood flooring (custom).

In the claim period beginning August 1, 1946, R produces 2,400,000 feet flooring count of hardwood flooring, consisting of: 1,300,000 feet residential flooring; 900,000 feet other hardwood flooring (noncustom); 200,000 feet other hardwood flooring (custom). Production for the claim period is computed as follows:

Premium A:	*Feet*
Residential flooring	1,300,000
Other hardwood flooring, non-custom	900,000
Other hardwood flooring, custom	200,000
Total production in claim	2,400,000
Quota	2,000,000
Production in excess of quota	400,000
Premium B:	
Residential flooring	1,700,000
Other hardwood flooring, non-custom (but not above amount in quota period)	750,000
Other hardwood flooring, custom (but not above amount in quota period)	200,000
Total production in claim	2,250,000
Quota	2,000,000
Production in excess of quota	250,000

In the claim period November 1 through December 31, 1946, R produces 1,630,000 feet flooring count of hardwood flooring, consisting of 1,000,000 feet residential flooring; 550,000 feet other hardwood flooring (non-custom); 130,000 other hardwood flooring (custom). Production for this period is computed as follows:

Premium A and B:	*Feet*
Residential flooring	1,000,000
Other hardwood flooring, non-custom (but not above two-thirds of the amount in quota period)	500,000
Other hardwood flooring, custom (but not above two-thirds of the amount in quota period)	130,000
Total production in claims	1,630,000
Two-thirds of quota	1,333,333
Production in excess of two-thirds of quota	296,667

[Example 9 deleted as of December 31, 1946]

(g) *Claim for payment.* A company shall file claims for payment of premium A and B in the following manner:

(1) Each claim for payment shall be filed with the RFC Loan Agency for the district in which the company's main office is located, on Form NHA° 14–68. These forms may be obtained from any RFC Loan Agency. A company may find out in which RFC Loan Agency district it is located by consulting its bank.

(2) Within 30 days after the end of the first quarter under this section, a company must file Form NHA 14–68 for such quarter. However, a company with a quota established under Rule 3 of paragraph (b) may file this form for the first quarter by January 31, 1947. For the period November 1 through December 31, 1946, this form shall be filed by February 28, 1947. It must be filed, even though the company does not make a claim for payment for the claim period.

(3) Claims for premium A for the first quarter under this section may be filed on a monthly basis, and a claim may be filed for November, 1946, under the following conditions:

(i) A claim for the first month of a quarterly period may be filed only if production during the month has equaled or exceeded 110 percent of one-third of the company's quota;

(ii) A claim for the second month or for the first two months of a quarterly period may be filed only if production during the two months has equaled or exceeded 110 percent of two-thirds of the company's quota;

(iii) Each claim must be filed within 30 days after the end of the period covered by the claim. However, claims for any part of the first quarter by a company with a quota established under Rule 3 of paragraph (b) may be filed by January 31, 1947.

(iv) If a company files one or two-month claims, it shall also file a claim for the quarter including the month or two-month periods.

(4) For the first quarter of this section, claims for premium B must be filed within 30 days after the end of the quarter. However, a company with a quota established under Rule 3 of paragraph (b) may file claims for such quarter by January 31, 1947. With respect to the period November 1 through December 31, 1946, claims for premium B shall be filed by February 28, 1947.

(5) No claim under this section shall be assignable except as a part of a bona fide transfer of the company to a legal successor.

(h) *Payment*—(1) *Review by RFC.* In reviewing claims for payment, the RFC will determine whether such claims

appear to have been correctly and properly prepared.

(2) *Terms of payment.* If the claim or any part thereof is accepted by RFC subject to final verification, RFC will then pay the claimant that part of the claim so accepted. However, on claims for the last period for which this section is effective, RFC shall require that bond be furnished in form and amount satisfactory to it before making payment thereon. Preliminary acceptance and payment of claim shall not constitute final acceptance of the validity or amount of the claim. If, after review or audit, there is cause to question the validity of any claim, RFC may require that bond be furnished in form and amount satisfactory to it before making further payments, or suspend further payments.

(3) *Verification of claims.* (i) Upon receipt of claims for payment, RFC will forward copies to the Expediter for verification and such investigation or audit as he may deem appropriate.

(ii) If the amount verified and approved by the Expediter is less than the amount previously paid, the claimant shall, upon demand by RFC, refund the overage to RFC, together with interest thereon at the rate of four percent per annum calculated from the date of such overpayment to the date repayment is made to the RFC, or such overage plus interest may be deducted from any accrued or subsequent claim for any payment by RFC to the claimant.

(4) *Monthly payments.* Any payments made by RFC on account of any month or two-month claim shall be considered an advance payment on the claim for the quarterly period including such months, and shall be subject to recovery or set-off in the event the amount found payable on the quarterly claim is less than the amount of such advance payment.

(5) *Combined production.* Payments made by RFC on account of a first quarter claim for premium A shall be deducted from any claim subsequently filed which is based on combined production.

(6) *Invalidation of claims.* The Expediter shall have the right at any time to declare invalid any claim of a company, and such company shall upon demand refund to RFC any payment on such claim, if the Expediter finds that, during the period this section is effective, the company

(i) Has failed to comply with any of the requirements of this section.

(ii) Has failed to comply with directives, orders or regulations of CPA or OHE on hardwood flooring.

(iii) Has failed to maintain production of lumber of all species from its own sawmill operations at a level which obtained during the corresponding quarter of the previous year.

(iv) Has, at the end of any month, an inventory of southern usable lumber which exceeds a sixty-day supply.

(v) Has, at the end of any month, an inventory of residential flooring which is more than the residential flooring production during that month.

(vi) Has purchased southern hardwood flooring lumber which is invoiced on specified or special widths and/or lengths, or which is sold on condition that the company sell or deliver flooring or any other finished product to the supplier or his appointee.

(i) *Records.* Every company shall prepare and preserve for inspection, for a period of not less than two years after the date of termination of this section, all books, records, and other documents which furnish information in support of its application for quota and claims for payment. The Expediter, or his designated agents shall have the right at any time to make such examinations and audits of the books, records, and other documents as may be necessary to verify the representations in the company's application for quota and claims for payment, or as may be required by the Expediter.

(j) *Reports.* Producers must furnish such reports as may be required by the Expediter from time to time, subject to approval by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(k) *Official interpretations,* Official interpretations of this section may be given only in writing by the General Counsel of OHE, or his duly authorized representative. A request for an official interpretation must be filed in writing directly with the Expediter or the General Counsel.

(l) *Special orders.* A company located outside of both the southern and northern areas (northern area is defined in § 805.7 Housing Expediter Premium Payments Regulation No. 7) which uses southern hardwood flooring lumber, may, by letter to the Expediter, Washington, D. C. request that it be included in this section. If the Expediter finds that such inclusion will have the effect of increasing the production of hardwood flooring and is consistent with the Veterans' Emergency Housing Act of 1946, he will issue a special order under this paragraph, establishing quotas, and fixing the rate and amount of premiums payable.

(m) *Termination.* This section shall terminate on December 31, 1946: *Provided, however* That:

(1) Termination shall not preclude the filing of claims for payment accrued on or before the date of termination. These claims shall be dealt with in accordance with the provisions of this section as amended in the same manner as if this section had not been terminated.

(2) The provisions of paragraph (d) (6) shall remain in full force and effect as if this section had not been terminated.

Appendix A. Description of southern area. Southern area means the following hardwoods areas:

(a) *Southern hardwood area.* This includes the States of Alabama, Arkansas, Florida, Louisiana, Mississippi, Texas and Oklahoma, and the counties of Tipton, Haywood, Shelby, Fayette, Lauderdale and Hardeman in the State of Tennessee, and those portions of North Carolina, South Carolina, Virginia, and Georgia not included in the Appalachian hardwoods area.

(b) *Appalachian hardwoods area.* This is that area circumscribed by a line beginning at the intersection of the western line of the State of West Virginia and the western line of the State of Pennsylvania, thence southwesterly on the eastern lines of West Virginia to the western boundary of Boyd County, Kentucky thence extending southwesterly through Kentucky along the generally northwestern boundaries of the following counties: Boyd, Carter, Rowan, Menifee, Powell, Estill, Jackson, Rockcastle, Pulaski, Wayne, and Clinton to the Tennessee state line; thence westerly along said state line to the western boundary of Pickett County, Tennessee; thence southerly in Tennessee along the western boundaries of Pickett, Fentress, Morgan, Roane, Rhea, and Hamilton Counties to the intersections of the western boundary of Hamilton County and the Nashville, Chattanooga, and St. Louis Railroad; thence easterly along said railroad through Chattanooga to the intersection of said railroad and the Georgia state line; thence easterly along said state line to the western boundary of Fannin County, Georgia; thence southeasterly in Georgia along the southwestern boundaries of Fannin County and Lumpkin County, thence generally easterly in Georgia along the southeastern boundary of Lumpkin County, the southern boundary of White County, and the southern and eastern boundaries of Habersham County to the South Carolina state line; thence southeasterly along said line to the southeastern boundary of Oconee County South Carolina; thence in a generally northeasterly direction through South Carolina along the southeastern boundaries of Oconee and Pickens Counties, and the western, southern, and eastern boundaries of Greenville County to the North Carolina state line; thence easterly along the southern line of North Carolina to the eastern boundary of Cleveland County, North Carolina; thence northerly in North Carolina along the eastern boundaries of Cleveland and Burke Counties; thence continuing generally northeasterly in North Carolina along the eastern or southern boundaries of Alexander, Wilkes and Surry Counties to the Virginia state line; thence east on said state line to the eastern boundary of Patrick County, Virginia; thence northeasterly through Virginia, following the eastern boundary of Patrick County and the southeastern boundary of Franklin, Bedford, Amherst, Nelson, Albemarle, Greene, Madison, and Rappahannock Counties, turning southerly along the southwestern boundary of Fauquier County, and resuming a generally northerly direction along the eastern boundaries of Fauquier and Loudoun Counties to the Maryland state line; thence northwesterly along said state line to the eastern boundary of Frederick County, Maryland; thence northerly through Maryland along the eastern boundary of Frederick County to the Pennsylvania state line; thence westerly and thence northerly along said state line to the starting point. All saw-

mills on the boundary line of the Appalachian hardwoods area shall be deemed to be outside the Appalachian hardwoods area, except that mills in West Virginia and Maryland on the lines touching Pennsylvania and Ohio shall be deemed to be in the Appalachian area.

(c) *North Central hardwoods area.* This includes all of the States of Ohio, Indiana, Iowa, Nebraska and South Dakota; the counties of Adair, Anderson, Barren, Bath, Boone, Bourbon, Boyle, Bracken, Breckinridge, Bullitt, Campbell, Carroll, Casey, Clark, Cumberland, Daviess, Edmonson, Fayette, Fleming, Franklin, Gallatin, Garrard, Grant, Grayson, Green, Greenup, Hancock, Hardin, Harrison, Hart, Henry, Jefferson, Jessamine, Kenton, Larue, Lewis, Lincoln, Madison, Marion, Mason, Meade, Mercer, Metcalfe, Monroe, Montgomery, Nelson, Nicholas, Ohio, Oldham, Owen, Pendleton, Robertson, Russell, Scott, Shelby, Spencer, Taylor, Trimble, Washington and Woodford, all in the State of Kentucky; and all of the State of Illinois except the counties of Alexander, Franklin, Hardin, Jackson, Johnson, Massac, Monroe, Perry, Pope, Pulaski, Randolph, Union, and Williamson, and those parts of Hamilton, Jefferson, Saline, St. Clair, Clinton and Washington counties which lie south or southwest of the tracks of the Louisville and Nashville Railroad.

(d) *South Central hardwoods area.* This includes all of the States of Kansas and Missouri; the counties of Allen, Ballard, Butler, Caldwell, Calloway, Carlisle, Christian, Crittenden, Fulton, Graves, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, McCracken, McLean, Marshall, Muhlenberg, Simpson, Todd, Trigg, Union, Warren, and Webster, all in the State of Kentucky; and the counties of Bedford, Benton, Bledsoe, Cannon, Carroll, Cheatham, Chester, Clay, Coffee, Crockett, Cumberland, Davidson, Decatur, De Kalb, Dickson, Dyer, Franklin, Gibson, Giles, Grundy, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Jackson, Lake, Lawrence, Lewis, Lincoln, McNairy, Macon, Madison, Marion, Marshall, Maury, Montgomery, Moore, Obion, Overton, Perry, Putnam, Robertson, Rutherford, Sequatchie, Smith, Stewart, Sumner, Trousdale, Van Buren, Warren, Wayne, Weakley, White, Williamson, and Wilson, all in the State of Tennessee; and all that territory lying within Hamilton County, Tennessee, which is south of the Nashville, Chattanooga and St. Louis Railroad and north of the boundary line between said Hamilton County, Tennessee, and the State of Georgia; and the counties of Alexander, Franklin, Hardin, Jackson, Johnson, Massac, Monroe, Perry, Pope, Pulaski, Randolph, Union and Williamson, and those parts of Hamilton, Jefferson, Saline, St. Clair, Clinton, and Washington counties which lie south or southwest of the tracks of the Louisville and Nashville Railroad, all in the State of Illinois.

Effective date. This section as amended shall become effective as of December 31, 1946.

NOTE: The reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(Pub. Law 388, 79th Cong.)

Issued this 3d day of February 1947.

[SEAL] FRANK R. CREEDON,
Housing Expediter.

INTERPRETATION 1

PAYMENT OF PREMIUM A ON SOUTHERN HARDWOOD FLOORING LUMBER IN COMPANY'S INVENTORY ON AUGUST 1, 1946

(1) No premium A is payable on usable or green lumber which was produced by an independent supplier and was delivered to the company before August 1, 1946. Paragraph (d) (2) (ii) limits premium A to lumber that was delivered to the company during a claim period and on which the specified bonus was paid.

(2) No premium A is payable on usable lumber produced by a company-owned sawmill and received at the company's plant (or plants) before August 1, 1946. The provision of paragraph (d) (2) (ii), that a company which produces its own southern usable lumber shall be considered to have paid the prescribed bonus on such lumber, applies only to southern usable lumber received at the company's plant (or plants) during a claim period.

(3) On green lumber produced by a company-owned sawmill and received, for use in the production of hardwood flooring, at the company's plant (or plants) either before or after August 1, 1946, premium A is payable when such lumber becomes usable after August 1, 1946. (Issued August 26, 1946.)

INTERPRETATION 2

MEANING OF CLAUSE "IF A COMPANY PRODUCES ITS OWN SOUTHERN USABLE LUMBER"

If a company furnishes its own logs to an independent sawmill pursuant to a contract under which the sawmill agrees to supply to the company all the hardwood flooring lumber produced from such logs, the company is the producer of this lumber, within the meaning of subparagraph (d) (2) (ii) (Issued August 26, 1946.)

INTERPRETATION 3

PAYMENT OF PREMIUM A ON SOUTHERN HARDWOOD FLOORING LUMBER WHICH IS DESTROYED BY FIRE AFTER COMPANY HAS PAID BONUS THEREON; ADJUSTMENT OF QUOTA

Paragraph (d) (5) provides that, except for usual waste, all southern hardwood flooring lumber on which premium A is payable must be used in the production of residential flooring, unless otherwise authorized by the Expediter. Paragraph (h) (6) (i) gives the Expediter the right to invalidate a company's claim if it has failed to comply with any of the requirements of the regulation.

Since lumber destroyed by fire could not have been used in the production of residential flooring, there would be, as to this lumber, a failure to comply with the requirement of paragraph (d) (5). Therefore, no premium A could legally be payable with respect to such lumber, and if the fire were to occur after premium A had been paid thereon, such payment would be subject to recovery or set-off.

Destruction of lumber by fire is not a circumstance for which the Expediter will grant an exception from the requirement of paragraph (d) (5) that all lumber on which premium A is payable must be used in the production of residential flooring.

Although no premium A is payable with respect to lumber destroyed by fire, if such destruction by fire causes an interruption of production during any claim period this would constitute an interruption "due to unusual circumstances beyond the control of the company", on the basis of which an appropriate adjustment of the quota may be made for such claim period under paragraph (b) (2) of the regulation. (Issued September 21, 1946.)

INTERPRETATION 4

SIGNATURE REQUIRED ON SUPPLIER'S CERTIFICATION THAT LUMBER HAS BEEN ON STICKS OR END RACKED FOR SPECIFIED PERIOD

Supplier's certification on face of invoice, that lumber has been on sticks or end racked for specified period, must either bear his signature or that of another duly authorized person. Signature need not be manual, but may be in the form of a rubber stamp or facsimile reproduction of a handwritten signature. Typewritten signature, however, may not be used.

This interpretation shall become effective as of October 1, 1946. (Issued September 30, 1946.)

[F. R. Doc. 46-1140; Filed, Feb. 3, 1947; 5:07 p. m.]

PART 805—PREMIUM PAYMENTS REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

[Premium Payment Reg. 7 as Amended Feb. 3, 1947, Incl. Ints. 1-4]

HARDWOOD FLOORING—NORTHERN AREA

Purpose and findings. This general regulation is issued to stimulate additional production of hardwood flooring in the northern area by providing for premium payments on production of such flooring above established quotas. It describes how quotas are established, and the methods, procedures and conditions under which premium payments may be obtained. This regulation is issued pursuant to the authority of the "Veterans' Emergency Housing Act of 1946."

All available means of increasing the supply of hardwood flooring for the veterans' emergency housing program and for other construction, maintenance and repair essential to the national well-being have been considered. Based on such consideration, the Expediter finds that premium payments on hardwood flooring are temporarily necessary to increase its supply and to stimulate such additional production with greater rapidity, economy and certainty than other available methods. The premium payments provided herein are applied at a uniform rate within the industry. In applying premium payments to necessary additional production in this industry emphasis has been placed upon avoiding either economic dislocations or adverse effects upon established business.

Par.

§ 805.7 *Hardwood flooring (northern area)*—(a) *Definitions.* (1) "Hardwood flooring" means flooring which is produced from hardwood species, and which is end matched and machine patterned in $^{25}/_{32}$" and thinner thicknesses. In addition, it includes custom hardwood flooring, which is hardwood flooring produced from lumber not owned by the flooring producer.

(2) "Residential flooring" means hardwood flooring which meets these requirements:

(i) It is produced from the species oak, beech, birch or hard maple, which has been properly kiln dried.

(ii) It has been side matched, end matched and machine patterned (except that $^{5}/_{16}$" square edge shall be included) in $^{25}/_{32}$" and thinner thicknesses, and it has been machined to face widths of 1¼", 1½", 2" 2¼" 2½", 2¾" or 3¼"

(iii) It has been graded in accordance with the official grading rules of the Maple Flooring Manufacturers' Association (effective July 25, 1941) or of the National Oak Flooring Manufacturers' Association (effective November 8, 1943)

Residential flooring may be unfinished, dip-treated or factory finished. It does not include custom hardwood flooring.

(3) "Northern area" means the area set forth in Appendix A.

(4) "Person" means an individual, corporation, partnership, association, or any other organized group of any of the foregoing, or legal successor or representative of any of the foregoing, but does not include the United States, any of its political subdivisions or any agency thereof, any other Government, any of its political subdivisions or any agency thereof.

(5) "Plant" means a manufacturing establishment for the production of hardwood flooring which is located in that portion of the northern area which is in the continental United States, which occupies a single site and, where consisting of several complete manufacturing units, which uses common shipping and storing facilities and common operating supervision.

(6) "Company" means a person who manufactures hardwood flooring. If a person owns several plants, it shall be considered a company only with respect to plants located in that portion of the northern area which is in the continental United States. For purposes of this section, a sawmill or concentration yard which is owned by a company and located in that portion of the northern area which is in the continental United States shall be considered a part of the company.

(7) "Northern hardwood flooring lumber" means lumber which is produced in the northern area from the species oak, beech, birch or hard maple, in the following condition, grades and thicknesses: condition—rough; grades—No. 2 common and No. 3a common; thicknesses—4/4" and 5/8" except that the thicknesses for lumber produced from oak shall be 4/4" 5/4" and 5/8" The grading and measurements shall be in accordance with the rules of the National Hardwood Lumber Association, effective January 1, 1946.

(8) "Northern usable lumber" means northern hardwood flooring lumber which has been on sticks or end racked at least ninety days.

(9) "Northern green lumber" means northern hardwood flooring lumber which does not meet the definition of northern usable lumber.

(10) "Supplier" means any person who supplies northern hardwood flooring lumber to a "company." However, unless otherwise authorized by the Expediter, a "company" shall not be considered a supplier.

(11) "Premium A" means a premium payable under paragraph (d) of this section.

(12) "Premium B" means a premium payable under paragraph (e) of this section.

(13) "Production" and "units of production" means the amount of hardwood flooring produced, measured in thousands of feet flooring count.

(14) "Flooring count" means the hardwood flooring measure described in the official grading rules of the National Oak Flooring Manufacturers' Association (effective November 8, 1943)

(15) "Quarter" means a period of three consecutive calendar months, beginning August 1, November 1 and February 1. However, any company on whom this provision works a hardship may apply, by letter, to the Expediter, Washington, D. C., for authorization to submit its application for quota and claims on the basis of a stipulated fiscal quarter. With respect to a company that has received such authorization, this section shall become effective on the first day of the fiscal month beginning on or after August 1, 1946, and shall terminate on the same date that this section terminates as to other companies.

(16) "New producer" means with respect to a plant which prior to the effective date of this regulation was not operated for the production of hardwood flooring, a person who operates such plant after the effective date of this regulation, and who did not operate, prior to the effective date of this regulation, any plant for the production of hardwood flooring.

(17) "Claim" means a claim for premium payments filed pursuant to this section.

(18) "Expediter" means the Housing Expediter as defined in the Veterans' Emergency Housing Act of 1946, or his duly authorized representative.

(19) "OHE" means the Office of the Housing Expediter.

(b) *Establishment of quota*—(1) *Rules.* A quota shall be established for each company, in accordance with the rules below. In applying the rules, follow these instructions:

(i) Use Rule 1 for all plants owned by the company on August 1, 1946, if it applies to any such plant. If Rule 1 does not apply, use Rule 2. If neither Rule 1 nor Rule 2 applies to any plant, use Rule 3.

(ii) If a plant owned by the company on August 1, 1946 was under different ownership in the applicable quota period, include the production or productive capacity (whichever is appropriate) of that plant during such period.

(iii) If, after August 1, 1946, an additional plant is acquired, the company shall apply, by letter, to the Expediter, Washington, D. C., for a new company quota.

(iv) In computing actual hardwood flooring production, under subparagraph (a) of Rule 1 or Rule 2, include all hardwood flooring production.

RULE 1. *Company which produced hardwood flooring in any plant at least 45 days during first quarter of 1946.* The quota shall be the lower of the following:

(a) Actual production of hardwood flooring during the first quarter of 1946; or

(b) Productive capacity of all hardwood flooring machines in place on March 31, 1946, computed on the basis of 552,500 feet flooring count per machine.

Example 1. X company owns one plant, which produced hardwood flooring at least 45 days during the first quarter of 1946. Four machines are installed in the plant, and during the quarter only two were operated. X's actual production of hardwood flooring was 1,110,000 feet flooring count.

X's quota is 1,110,000 feet flooring count, since this is lower than 2,210,000 feet flooring count, his productive capacity computed under (b) above (4×553,500=2,210,000).

Example 2. Y company owns one plant, which produced hardwood flooring at least 45 days during the first quarter of 1946. One machine is installed in the plant, and during the quarter this machine was operated on an overtime basis. Accordingly, Y's actual production of hardwood flooring was 750,000 feet flooring count.

Y's quota is 552,500 feet flooring count, his productive capacity computed under (b) above, since this is lower than his actual production.

Example 3. Z company owns two plants, each of which has two machines. Plant #1 produced hardwood flooring at least 45 days during the first quarter of 1946, and its actual production was 600,000 feet flooring count. Plant #2 was idle during the period January 1 through June 30, 1946.

Since Rule 1 applies to Plant #1, Z will use this rule for all plants, in determining his company quota. Accordingly, Z's quota is 600,000 feet flooring count (actual hardwood flooring production during the first quarter of 1946), for this is lower than 2,210,000 feet flooring count (productive capacity).

RULE 2. *Company which cannot qualify under Rule 1, but which produced hardwood flooring in any plant at least 15 days in each of three months during the period January 1 through June 30, 1946.* The quota shall be the lower of the following:

(a) Actual production of hardwood flooring during the first three months, in the period January 1 through June 30, 1946, where hardwood flooring was produced at least fifteen days per month; or

(b) Productive capacity of all hardwood flooring machines in place at the end of the third month determined under (a) computed on the basis of 552,500 feet flooring count per machine.

Example 4. In the period January 1 through June 30, 1946, M company produced hardwood flooring 25 days in January, 0 days in February, 10 days in March, 20 days in April and 25 days in May. M will determine actual production during January, April and May, and compare it with produc-

tive capacity of all machines in place on May 31.

RULE 3. *Any other company.* The quota shall be determined by the Expediter. However, no quota shall be established for a new producer which would result in the application of premium payments to more than 50 percent of the value (in terms of producer's selling price) of the total output of such producer.

(2) *Adjustment of quota by Expediter* Where production of a company during the first quarter under this section, or during the period November 1 through December 31, 1946, has been interrupted due to unusual circumstances beyond the control of the company, the company may, by letter, report these circumstances to the Expediter. The Expediter may, for purposes of determining the company's eligibility to receive premium A, adjust the quota for the first quarter, or the months of November and December, as the case may be.

(c) *Application for quotas.* Every company who wishes to receive premium payments under this section shall file an application for quota on form NHA 14-70. This form may be obtained from any RFC Loan Agency, and shall be filed with the Expediter by September 15, 1946. However, if a company did not produce hardwood flooring in the period January 1 to August 1, 1946, such form may be filed after September 15, 1946.

(d) *Premium A*—(1) *Eligibility for premium A for the first quarter.* A company is eligible for premium A for the first quarter under this section if its production (as determined under paragraph (f) of this section) during such quarter was in excess of quota.

(2) *Rate and amount of premium A for the first quarter.* The rate and amount of premium A shall be calculated at the end of the first quarter under this section, according to the following rules:

Rule A. If a company's production during the quarter was ten percent or more above its quota, the amount payable will be based on all northern hardwood flooring lumber delivered during the quarter for use in the production of hardwood flooring. The rate of payment shall be $3.50 per thousand feet board measure for northern hardwood flooring lumber which was usable when delivered, and $1.00 per thousand feet board measure for such lumber which was green when delivered.

If a company produces its own northern hardwood flooring lumber, the amount payable with respect to self-produced lumber will be based on all northern usable lumber received for use in the production of hardwood flooring during the claim period: *Provided,* That an invoice has been prepared showing the quantity of the lumber. The rate of payment shall be $3.50 per thousand feet board measure for such northern usable lumber.

Rule B. If a company's production during the quarter was above its quota, but less than ten percent above, the amount payable will be calculated as follows:

(a) For each one percent increase over the company's quota, ten percent of the amount which would be payable under Rule A, if that rule were applicable.

Example 5. L company's production is five percent above its quota, and during the quarter deliveries of northern hardwood flooring lumber were as follows: 10,000,000 feet board measure, usable lumber; 20,000,000 feet board measure, green lumber.

Under (a) above, the total amount payable is computed as follows:

10,000 MFBM x 5 x $0.35	$17,500
20,000 MFBM x 5 x $0.10	10,000
	$27,500

(b) If production during the quarter of all companies that have applied for quotas (under paragraph (c) of this section) is ten percent or more above the sum of the quotas of such companies, the company will be reimbursed for the difference between the amount paid on the basis of (a) and the amount payable under Rule A.

Rule C. If a company's production during the quarter was not above quota, no amount is payable, except as provided in paragraph (d) (4) below.

[Rule D and Examples 6 and 7 deleted as of December 31, 1946]

(3) *Eligibility for premium A for November and December, 1946.* A company is eligible for premium A for the period November 1 through December 31, 1946, if its production (as determined under paragraph (f) of this section) during such period was in excess of two-thirds of its quota.

(4) *Rate and amount of premium A for November and December 1946.* The rate and amount of premium A for the period November 1 through December 31, 1946, shall be calculated at the end of such period, according to the rules set forth in paragraph (d) (2). In applying these rules, production during the period November 1 through December 31, 1946, shall be compared with two-thirds of the quota established under paragraph (b).

A company may, at its option, combine production during the period November 1 through December 31, 1946, with production in the first quarter under this section. The amount payable for this five-month period shall be determined under Rules A and B (a) in paragraph (d) (2) above, on the basis of combined production in such period rather than on actual production in the first quarter and actual production in the period November 1 through December 31, 1946. If payment already has been made on a claim for the first quarter, such payment shall be deducted from the total amount payable which is computed under this provision.

Example 6. For the first quarter, N company has a quota of 2,000,000 feet flooring count, and for the period November and December, a quota of 1,333,333 feet flooring count, which is two-thirds of the quota for the second quarter. During the quarter beginning August 1, 1946, N's actual production was 1,700,000 feet flooring count, while in November and December its production was 2,000,000 feet flooring count. At the end of December N may file a claim for the five-month period based on 3,700,000 feet flooring count, production for this period. Since this figure exceeds 3,333,333 feet flooring count (2,000,000+1,333,333) by at least ten percent, N is entitled to premium A for the five-month period on the basis of the rates set forth under Rule A in paragraph (d) (2).

Example 7. In the quarter beginning August 1, 1946, L company (as indicated in Example 5) exceeded its quota by five percent, and received payment of $27,500. At the end of December 1946, L files a claim based on its production during the five-month period. Since production for this period is at least ten percent above the sum of L's quota for the first quarter and two-thirds of its quota for the second quarter, L is entitled to receive premium A for the five-month period on the basis of the rates set forth under Rule A in paragraph (d) (2). However, as L already received $27,500 for the first quarter, this must be deducted from his claim for the five-month period.

[Former subparagraphs (3) and (4) redesignated (5) and (6), new (3) and (4) added as of December 31, 1946]

(5) *Company which uses southern hardwood flooring lumber.* For a company which uses southern hardwood flooring lumber, as defined in paragraph (a) (7) of § 805.6 (Housing Expediter Premium Payments Regulation No. 6) the rate and amount of Premium A shall be determined under paragraph (d) of § 805.6.

(6) *Use of northern hardwood flooring lumber on which Premium A is payable.* Except for usual waste, all northern hardwood flooring lumber on which Premium A is payable must be used in the production of residential flooring, unless otherwise authorized by the Expediter.

Northern hardwood flooring lumber which is in inventory when this section is terminated shall be used in the production of residential flooring within five months from the termination date. To enable the Expediter to determine whether this condition is met, a company shall file a monthly report with the Expediter, Washington, D. C., on form OHE 14-158 covering each month in this five-month period, showing the amount of northern hardwood flooring lumber consumed in the production of residential flooring during the month, the amount of residential flooring produced in the month, the inventory of residential flooring at the end of the month, and the value, f. o. b. plant, of residential flooring produced during the month. This report shall be filed on or before the last day of the month following the month covered. By the end of the five-month

period the company shall certify that all northern hardwood flooring lumber in inventory when the regulation was terminated has been used in the production of residential flooring. If the Expediter finds that a company has not complied with these conditions, he may invalidate claims for the last claim period.

(e) *Premium B*—(1) *Eligibility.* A company is eligible for premium B under this section if, during the period covered by the claim, its production (as determined under paragraph (f) of this section) is in excess of its quota.

(2) *Rate and amount of premium B.* For the first quarter under this section a company shall be paid $12.50 per thousand feet flooring count on all production in excess of its quota. For the period November 1 through December 31, 1946, a company shall be paid $12.50 per thousand feet flooring count on all production in excess of two-thirds of its quota. The amount payable for each claim period shall be computed by subtracting the amount of the company's quota or two-thirds of the company's quota, as the case may be, from its production for that period, and multiplying the remainder by $12.50 per thousand feet flooring count.

(f) *Computation of production for premium A and B claims*—(1) *First quarter premium A claims.* With respect to premium A claims for the first quarter under this section, production for the period covered by such claims shall include production of all residential flooring, and of all flooring produced for the account of the Federal Public Housing Authority from lumber owned by FPHA. It may also include all production of other hardwood flooring, non-custom and custom.

(2) *First quarter premium B claims.* With respect to premium B claims for the first quarter under this section, production for the period covered by such claims shall include production of all residential flooring, and of all flooring produced for account of the Federal Public Housing Authority from lumber owned by FPHA. It may also include production of other hardwood flooring, non-custom and custom, up to but not exceeding the quantity of each in the quota period. Where, however, the quota is based on productive capacity, rather than actual production, production may include other hardwood flooring in a quantity no greater than the lower of the following: (i) the amount of other hardwood flooring production in the quota period; (ii) the difference between productive capacity (computed under paragraph (b) of this section) and residential flooring production in the quota period.

(3) *Premium A and B claims for the period November and December 1946.* With respect to claims for premium A and B for the period November 1 through December 31, 1946, production for this period shall include production of all residential flooring, and of all flooring produced for the account of the Federal Public Housing Authority from lumber owned by FPHA. It may also include production of other hardwood flooring, non-custom and custom up to but not exceeding two-thirds of the quantity of each in the quota period. Where, however, the quota is based on productive capacity, rather than actual production, production for the period may include other hardwood flooring in a quantity no greater than the lower of the following: (i) two-thirds of the amount of other hardwood flooring production in the quota period; (ii) the difference between two-thirds of productive capacity (computed under paragraph (b) of this section) and two-thirds of residential flooring production in the quota period.

Example 8. R company has a quota of 2,000,000 feet flooring count. This quota, which is based on actual production in the quota period, consists of: 1,000,000 feet residential flooring; 750,000 feet other hardwood flooring (non-custom); 250,000 feet other hardwood flooring (custom).

In the claim period beginning August 1, 1946, R produces 2,400,000 feet flooring count of hardwood flooring, consisting of: 1,300,000 feet residential flooring; 900,000 feet other hardwood flooring (non-custom); 200,000 feet other hardwood flooring (custom). Production for the claim period is computed as follows:

Premium A:	*Feet*
Residential flooring	1,300,000
Other hardwood flooring, non-custom	900,000
Other hardwood flooring, custom	200,000
Total production in claim	2,400,000
Quota	2,000,000
Production in excess of quota	400,000
Premium B:	
Residential flooring	1,300,000
Other hardwood flooring, non-custom (but not above amount in quota)	750,000
Other hardwood flooring, custom (but not above amount in quota)	200,000
Total production in claim	2,250,000
Quota	2,000,000
Production in excess of quota	250,000

In the claim period November 1 through December 31, 1946, R produces 1,680,000 feet flooring count of hardwood flooring, consisting of 1,000,000 feet residential flooring; 550,000 feet other hardwood flooring (non-custom); 130,000 other hardwood flooring (custom). Production for this period is computed as follows:

Premium A and B:	*Feet*
Residential flooring	1,000,000
Other hardwood flooring, non-custom (but not above two-thirds of the amount in quota period)	500,000
Other hardwood flooring, custom (but not above two-thirds of the amount in quota period)	130,000
Total production in claims	1,630,000
Two-thirds of quota	1,333,333
Production in excess of two-thirds of quota	296,667

[Example 9 deleted as of December 31, 1946]

(g) *Claim for payment.* A company shall file claims for payment of premium A and B in the following manner:

(1) Each claim for payment shall be filed with the RFC Loan Agency for the district in which the company's main office is located, on form NHA 14-71. These forms may be obtained from any RFC Loan Agency. A company may find out in which RFC Loan Agency district it is located by consulting its bank.

(2) Within 30 days after the end of the first quarter under this section, a company must file Form NHA 14-71 for such quarter. However, a company with a quota established under Rule 3 of paragraph (b) may file this form for the first quarter by January 31, 1947. For the period November 1 through December 31, 1946. this form shall be filed by February 28, 1947. It must be filed, even though the company does not make a claim for payment for the claim period.

(3) Claims for premium A for the first quarter under this section may be filed on a monthly basis, and a claim may be filed for November, 1946, under the following conditions:

(i) A claim for the first month of a quarterly period may be filed only if production during the month has equaled or exceeded 110 percent of one-third of the company's quota;

(ii) A claim for the second month or for the first two months of a quarterly period may be filed only if production during the two months has equaled or exceeded 110 percent of two-thirds of the company's quota;

(iii) Each claim must be filed within 30 days after the end of the period covered by the claim. However, claims for any part of the first quarter by a company with a quota established under Rule 3 of paragraph (b) may be filed by January 31, 1947.

(iv) If a company files one or two-month claims, it shall also file a claim for the quarter including the month or two-month periods.

(4) For the first quarter of this section, claims for premium B must be filed within 30 days after the end of the quarter. However, a company with a quota established under Rule 3 of para-

graph (b) may file claims for such quarter by January 31, 1947. With respect to the period November 1 through December 31, 1946, claims for premium B shall be filed by February 28, 1947.

(5) No claim under this section shall be assignable except as a part of a bona fide transfer of the company to a legal successor.

(h) *Payment*—(1) *Review by RFC.* In reviewing claims for payment, the RFC will determine whether such claims appear to have been correctly and properly prepared.

(2) *Terms of payment.* If the claim or any part thereof is accepted by RFC subject to final verification, RFC will then pay the claimant that part of the claim so accepted. However, on claims for the last period for which this section is effective, RFC shall require that bond be furnished in form and amount satisfactory to it before making payment thereon. Preliminary acceptance and payment of claim shall not constitute final acceptance of the validity or amount of the claim. If, after review or audit, there is cause to question the validity of any claim, RFC may require that bond be furnished in form and amount satisfactory to it before making further payments, or suspend further payments.

(3) *Verification of claims.* (i) Upon receipt of claims for payment, RFC will forward copies to the Expediter for verification and such investigation or audit as he may deem appropriate.

(ii) If the amount verified and approved by the Expediter is less than the amount previously paid, the claimant shall, upon demand by RFC, refund the overage to RFC, together with interest thereon at the rate of four percent per annum calculated from the date of such overpayment to the date repayment is made to the RFC, or such overage plus interest may be deducted from any accrued or subsequent claim for any payment by RFC to the claimant.

(4) *Monthly payments.* Any payments made by RFC on account of any month or two-month claim shall be considered an advance payment on the claim for the quarterly period including such months, and shall be subject to recovery or set-off in the event the amount found payable on the quarterly claim is less than the amount of such advance payment.

(5) *Combined production.* Payments made by RFC on account of a first quarter claim for premium A shall be deducted from any claim subsequently filed which is based on combined production.

(6) *Invalidation of claims.* The Expediter shall have the right at any time to declare invalid any claim of a company, and such company shall upon demand refund to RFC any payment on such claim, if the Expediter finds that during the period this section is effective the company:

(i) Has failed to comply with any of the requirements of this section.

(ii) Has failed to comply with directives, orders or regulations of CPA or OHE on hardwood flooring.

(iii) Has failed to maintain production of lumber of all species from its own sawmill operations at a level which obtained during the corresponding quarter of the previous year.

(iv) Has, at the end of any month, an inventory of northern usable lumber which exceeds a sixty-day supply.

(v) Has, at the end of any month, an inventory of residential flooring which is more than the residential flooring production during that month.

(vi) Has purchased northern hardwood flooring lumber which is invoiced on specified or special widths and/or lengths, or which is sold on condition that the company sell or deliver flooring or any other finished product to the supplier or his appointee.

(i) *Records.* Every company shall prepare and preserve for inspection, for a period of not less than two years after the date of termination of this section, all books, records, and other documents which furnish information in support of its application for quota and claims for payment. The Expediter, or his designated agents shall have the right at any time to make such examinations and audits of the books, records, and other documents as may be necessary to verify the representations in the company's application for quota and claims for payment, or as may be required by the Expediter.

(j) *Reports.* Producers must furnish such reports as may be required by the Expediter from time to time, subject to approval by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(k) *Official interpretations.* Official interpretations of this section may be given only in writing by the General Counsel of OHE, or his duly authorized representative. A request for an official interpretation must be filed in writing directly with the Expediter or the General Counsel.

(l) *Special orders.* A company located outside of both the southern and northern areas (southern area is defined in § 805.6 (Housing Expediter Premium Payments Regulation No. 6), which uses northern hardwood flooring lumber, may, by letter to the Expediter, Washington, D. C., request that it be included in this section. If the Expediter finds that such inclusion will have the effect of increasing the production of hardwood flooring and is consistent with the Veterans' Emergency Housing Act of 1946, he will issue a special order under this paragraph establishing quotas, and fixing the rate and amount of premiums which will be payable.

(m) *Termination.* This section shall terminate on December 31, 1946: *Provided, however* That:

(1) Termination shall not preclude the filing of claims for payment accrued on or before the date of termination. These claims shall be dealt with in accordance with the provisions of this section as amended in the same manner as if this section had not been terminated.

(2) The provisions of paragraph (d) (6) shall remain in full force and effect as if this section had not been terminated.

Appendix A. Description of northern area. Northern area means the following hardwood areas:

(a) *Northern hardwood area.* This includes the states of Michigan, Minnesota and Wisconsin.

(b) *Northeastern hardwood area.* This includes the states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, all of the state of Maryland except the counties of Garrett, Allegany, Washington and Frederick, and the Dominion of Canada east of the 85th meridian.

Effective date. This section as amended shall become effective as of December 31, 1946.

NOTE: The reporting and record keeping requirements of this regulation have been approved by the Bureau of Budget, in accordance with the Federal Reports Act of 1942.

(Pub. Law 388, 79th Cong.)

Issued this 3d day of February 1947.

[SEAL] FRANK R. CREEDON,
Housing Expediter.

INTERPRETATION 1

PAYMENT OF PREMIUM A ON NORTHERN HARDWOOD FLOORING LUMBER IN COMPANY'S INVENTORY ON AUGUST 1, 1946

(1) No premium A is payable on usable or green lumber which was produced by an independent supplier and was delivered to the company before August 1, 1946. Paragraph (d) (2) (ii) limits premium A to lumber that was delivered to the company during a claim period and on which the specified bonus was paid.

(2) No premium A is payable on usable lumber produced by a company-owned sawmill and received at the company's plant (or plants) before August 1, 1946. The provision of paragraph (d) (2) (ii), that a company which produces its own northern usable lumber shall be considered to have paid the prescribed bonus on such lumber, applies only to northern usable lumber received at the company's plant (or plants) during a claim period.

(3) On green lumber produced by a company-owned sawmill and received, for use in the production of hardwood flooring, at the company's plant (or plants) either before or after August 1, 1946, premium A is payable when such lumber becomes usable after August 1, 1946. (Issued August 26, 1946.)

INTERPRETATION 2

MEANING OF CLAUSE "IF A COMPANY PRODUCES ITS OWN NORTHERN USABLE LUMBER"

If a company furnishes its own logs to an independent sawmill pursuant to a contract under which the sawmill agrees to supply to the company all the hardwood flooring lumber produced from such logs, the company is the producer of this lumber, within the meaning of sub-paragraph (d) (2) (ii). (Issued August 26, 1946.)

INTERPRETATION 3

PAYMENT OF PREMIUM A ON NORTHERN HARDWOOD FLOORING LUMBER WHICH IS DESTROYED BY FIRE AFTER COMPANY HAS PAID BONUS THEREON; ADJUSTMENT OF QUOTA

Paragraph (d) (5) provides that, except for usual waste, all northern hardwood flooring lumber on which premium A is payable must be used in the production of resi-

dential flooring, unless otherwise authorized by the Expediter. Paragraph (h) (6) (i) gives the Expediter the right to invalidate a company's claim if it has failed to comply with any of the requirements of the regulation.

Since lumber destroyed by fire could not have been used in the production of residential flooring, there would be, as to this lumber, a failure to comply with the requirement of paragraph (d) (5). Therefore, no premium A could legally be payable with respect to such lumber, and if the fire were to occur after premium A had been paid thereon, such payment would be subject to recovery or set-off.

Destruction of lumber by fire is not a circumstance for which the Expediter will grant an exception from the requirement of paragraph (d) (5) that all lumber on which premium A is payable must be used in the production of residential flooring.

Although no premium A is payable with respect to lumber destroyed by fire, if such destruction by fire causes an interruption of production during any claim period this would constitute an interruption "due to unusual circumstances beyond the control of the company" on the basis of which an appropriate adjustment of the quota may be made for such claim period under paragraph (b) (2) of the regulation. (Issued September 21, 1946.)

INTERPRETATION 4

SIGNATURE REQUIRED ON SUPPLIER'S CERTIFICATION THAT LUMBER HAS BEEN ON STICKS OR END RACKED FOR SPECIFIED PERIOD

Supplier's certification on face of invoice, that lumber has been on sticks or end racked for specified period, must either bear his signature or that of another duly authorized person. Signature need not be manual, but may be in the form of a rubber stamp or facsimile reproduction of a handwritten signature. Typewritten signature, however, may not be used.

This interpretation shall become effective as of October 1, 1946. (Issued September 30, 1946.)

[F. R. Doc. 47-1141; Filed, Feb. 3, 1947; 5:07 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter II—Geological Survey, Department of the Interior

PART 200—ORGANIZATION AND PROCEDURE

DELEGATIONS OF AUTHORITY

CROSS REFERENCE: For an addition to the list of delegations of authority contained in §§ 200.50 to 200.53, see Title 43, Part 4, *infra*, directing the Geological Survey to perform certain functions and duties in connection with the disposal and development of minerals in acquired lands.

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 858, Public Laws 388 and 475, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1081]

S. E. PANCOAST AND AL BAKER

S. E. Pancoast, resides on Summit Avenue, Broomall, Delaware County, Pennsylvania, and is the owner of premises on the north side of West Chester Pike, east of Sproul Road, Broomall, Delaware County, Pennsylvania. Al Baker, a contractor and builder, resides in Broomall, Delaware County, Pennsylvania. On or about July 25, 1946, S. E. Pancoast and Al Baker began the construction of a commercial building to be used as a food market, on the north side of West Chester Pike, east of Sproul Road, Broomall, Delaware County, Pennsylvania, at an estimated cost of $15,000, without authorization of the Civilian Production Administration. The beginning and carrying on of this construction, at a cost in excess of $1,000, without authorization of the Civilian Production Administration constitutes a wilful violation by Al Baker, and a grossly negligent violation on the part of S. E. Pancoast, of Veterans' Housing Program Order No. 1 of the Civilian Production Administration. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1081 *Suspension Order No. S-1081.* (a) Neither S. E. Pancoast or Al Baker, their successors or assigns, nor any other person, shall do any further construction on the premises of S. E. Pancoast, located on the north side of West Chester Pike, east of Sproul Road, Broomall, Delaware County, Pennsylvania, including completing, putting up, or altering any structure located thereon, unless hereafter specifically authorized in writing by the Civilian Production Administration, or any other duly authorized Governmental agency.

(b) S. E. Pancoast and Al Baker shall refer to this order in any application or appeal which they may file with the Civilian Production Administration, or any other duly authorized Governmental agency, for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve S. E. Pancoast or Al Baker, their successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 3d day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1121; Filed, Feb. 3, 1947; 4:17 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1083]

ALBERT H. BIEN AND RUSSELL BYERLEY

Albert H. Bien, 2 Meredith Road, Philadelphia, Pennsylvania, the owner of the premises at 915 Montgomery Avenue, Narberth, Pennsylvania, and Russell Byerley, 109 Main Street, Phoenixville, Pennsylvania, a general contractor, on or about December 12, 1946, began the construction of a two-story commercial building at 915 Montgomery Avenue, Narberth, Pennsylvania, at an estimated cost of $10,000 without authorization from the Civilian Production Administration. The beginning and carrying on of this construction subsequent to March 26, 1946, constituted a wilful violation on the part of Russell Byerley, and a grossly negligent violation by Albert H. Bien of Veterans' Housing Program Order 1. This violation has diverted critical material to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1083 *Suspension order No. S-1083.* (a) Neither Albert H. Bien or Russell Byerley, their successors or assigns, nor any other person shall do any further construction on the premises located at 915 Montgomery Avenue, Narberth, Pennsylvania, including completing, putting up or altering of any structure located thereon unless hereafter specifically authorized in writing by the Civilian Production Administration or other duly authorized Governmental agency.

(b) Albert H. Bien and Russell Byerley shall refer to this order in any application or appeal which they may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Albert H. Bien or Russell Byerley, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions herein.

Issued this 3d day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-1122; Filed, Feb. 3, 1947; 4:17 p. m.]

Chapter XVIII—Office of Temporary Controls, Office of War Mobilization and Reconversion (Stabilization)

[Directive 148]

PART 4003—SUPPORT PRICES; SUBSIDIES

CUBAN AND PUERTO RICAN SUGAR, 1947 CROP

§ 4003.10b *Cuban and Puerto Rican direct-consumption sugar, 1947 crop.* The Secretary of Agriculture has recom-

mended the continuation for 1947-crop sugar of the reimbursement program for importers of Cuban and Puerto Rican direct-consumption sugar. Under the existing program, Commodity Credit Corporation reimburses importers of 1946-crop sugar, subject to certain restrictions, for lighterage and demurrage in the United States, wharfage and handling, storage, and excess raw material costs, if required, thus making possible the importation and distribution of such direct-consumption sugar under United States ceiling prices. The program proposed for the 1947-crop contains no change except that reimbursement will not be made for costs of moving sugar from the port of entry to the point of destination.

After consideration of the recommendation of the Secretary of Agriculture, I hereby find that the proposed program is necessary to effectuate the policy established by Executive Orders 9250 and 9328, and to insure price stability and the maximum necessary distribution of sugar to meet military and civilian requirements. Accordingly, the Department of Agriculture is hereby authorized and directed to carry out through the Commodity Credit Corporation the program as described in this section (and further detailed in the Secretary of Agriculture's letter of January 24, 1947).[1]

(56 Stat. 765; 58 Stat. 632, 642, 784; 59 Stat. 306; Pub. Law 548, 79th Cong., 15 U. S. C. Sup. 713a-8; 713a-8 note, 50 U. S. C. App. Sup. 901-903, 921-925, 961-971; E. O. 9250, Oct. 3, 1942, 7 F. R. 7871, E. O. 9328, Apr. 8, 1943, 8 F. R. 4681; E. O. 9599, Aug. 18, 1945, 10 F. R. 10155; E. O. 9651, Oct. 30, 1945, 10 F. R. 13487; E. O. 9697, Feb. 14, 1946, 11 F. R. 1691, E. O. 9699, Feb. 21, 1946, 11 F. R. 1929; E. O. 9762, July 25, 1946, 11 F. R. 8073; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281)

Issued and effective this 30th day of January 1947.

J. W. Follin,
Acting Temporary Controls Administrator.

[F. R. Doc. 47-1057; Filed, Feb. 4, 1947; 9:03 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 9—EXECUTIVE ORDERS, PROCLAMATIONS, AND PUBLIC LAND ORDERS APPLICABLE TO THE NAVY

ORDER WITHDRAWING PUBLIC LAND IN FLORIDA FOR USE OF NAVY DEPARTMENT FOR AVIATION PURPOSES

CROSS REFERENCE: For order affecting the tabulation contained in § 9.6, see Public Land Order 267, under Title 43, *infra*, which withdraws certain public land in Florida for the use of the Navy Department for aviation purposes.

[1] Not filed with Division of the Federal Register.

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 201—NATIONAL FORESTS

REVOCATION OF ORDERS OPENING LANDS IN SALMON AND NEZPERCE NATIONAL FORESTS, IDAHO

CROSS REFERENCE: For order affecting the tabulation contained in § 201.1, see F. R. Doc. 47-1043 under Department of the Interior, Bureau of Land Management, in the Notices section, *infra*, revoking certain orders opening public lands in the Salmon and Nezperce National Forests, Idaho, for entry under the Forest Homestead Act.

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order 2291]

PART 4—DELEGATIONS OF AUTHORITY

BUREAU OF LAND MANAGEMENT AND GEOLOGICAL SURVEY

1. Section 4.261 *Functions with respect to minerals in certain acquired lands* (11 F. R. 7776, 13697), as amended, is further amended by inserting after the section heading the designation "(a)" by deleting the last sentence in the first paragraph of the section relating to the right of appeal, and by adding at the end of the section the following:

(b) The leasing, where authorized by law, of minerals in acquired lands, under the jurisdiction of the bureaus and other agencies of the Department of the Interior, except Indian lands, will be handled by the Bureau of Land Management in accordance with the general policies established under the Mineral Leasing Act, as amended, and under regulations to be submitted for approval by the Secretary.

Except where the proposal originates in the bureau or agency having jurisdiction over the acquired lands, the Director, Bureau of Land Management, shall request the recommendation of the bureau or agency with respect to all proposals for leases made to such bureau or agency, including any stipulation which should be incorporated in a lease to prevent operations thereunder from interfering with the use for which the land was acquired. Any lease to be issued pursuant to this subsection and the regulations issued hereunder shall be prepared in the Bureau of Land Management. If there is any disagreement between any of the bureaus as to leasing any land or as to the terms or conditions of any proposed lease, the matter shall be submitted to the Secretary by the bureaus concerned.

Proceeds realized by the United States from such mineral leases will be deposited in the same funds as other funds from such acquired lands. This subsection shall apply to permits as well as to leases.

(c) Actions taken by the Director, Bureau of Land Management, shall be subject to the right of appeal to the Secretary according to the rules of practice (43 CFR, Part 221).

2. Section 4.622 *Functions with respect to minerals in certain acquired lands* (11 F. R. 14165) is amended by changing "§ 4.261" in the first paragraph to "§ 4.261 (a)" and by adding at the end of the first paragraph the following sentence: "The Geological Survey will also perform the same general functions and duties in connection with the disposal and development of the minerals covered by § 4.261 (b)."

Departmental Order No. 2223, of July 11, 1946,[1] is hereby repealed.

(R. S. 161, sec. 1, 20 Stat. 394, 23 Stat. 98, sec. 32, 41 Stat. 450; 5 U. S. C. 22, 43 U. S. C. 31, 30 U. S. C. 189)

J. A. Krug,
Secretary of the Interior

JANUARY 27, 1947.

[F. R. Doc. 47-1044; Filed, Feb. 4, 1947; 9:04 a. m.]

Chapter I—Bureau of Land Management, Department of the Interior

PART 50—ORGANIZATION AND PROCEDURE

DELEGATIONS OF AUTHORITY

CROSS REFERENCE: For an addition to the list of delegations of authority contained in §§ 50.75 to 50.81, see Part 4 of this title, *supra*, delegating to the Bureau of Land Management certain functions relating to leasing of minerals in acquired lands.

Appendix—Public Land Orders

[Public Land Order 267]

FLORIDA

WITHDRAWING PUBLIC LAND FOR USE OF THE NAVY DEPARTMENT FOR AVIATION PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public land is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Navy Department for aviation purposes:

TALLAHASSEE MERIDIAN

T. 32 S., R. 40 E.,
Sec. 20, lot 1, the east ten acres, as shown on plat approved December 26, 1859.

This order shall take precedence over but not modify the withdrawal for classification and other purposes made by Executive Order No. 6964 of February 5, 1935, as amended, so far as such order affects the above-described land.

The jurisdiction granted by this order shall cease at the expiration of the six

[1] No. 2223 not filed with the Division of the Federal Register.

months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647) Thereupon, jurisdiction over the land hereby reserved shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record. The land, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

This order is confidential and shall not be filed in the Division of the Federal Register, or published in the FEDERAL REGISTER, or be given other publicity, until publication thereof has been expressly authorized by or at the direction of the Secretary of the Navy.[1]

ABE FORTAS,
Acting Secretary of the Interior

MARCH 16, 1945.

[F. R. Doc. 47-1041; Filed, Feb. 4, 1947; 8:59 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Rev. S. O. 620, Amdt. 1]

PART 95—CAR SERVICE

LIGHT-WEIGHING OF CARS AT ALL PORTS PROHIBITED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 29th day of January A. D. 1947.

Upon further consideration of Revised Service Order No. 620 (12 F. R. 559) and good cause appearing therefor; it is ordered, that:

Section 95.620, *Light-weighing of cars at all ports prohibited,* of Revised Service Order No. 620, be, and it is hereby, amended by substituting the following paragraph (a) for paragraph (a) thereof:

(a) *Railroad cars not to be light-weighed.* Except as shown below, no common carrier by railroad subject to the Interstate Commerce Act, shall light-weigh a railroad car or cars intended for loading with imported commodities at any point in the port areas of any port on the Atlantic, Pacific of Gulf coasts; nor transport or move such railroad car light-weighed and loaded with imported commodities in violation of this order from any point in the areas of such ports.

Exception: The provisions of this order shall not apply to cars to be loaded with imported shipments of tropical fruits, including pineapples, bananas and cocoanuts.

It is further ordered, that this amendment shall become effective at 12:01 a. m., January 31, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 418; 41 Stat. 476, 485; sec. 4, 10; 54 Stat. 901, 912; 49 U. S. C. 1 (10)–(17) 15 (4))

By the Commission, Division 3.

[SEAL] W P BARTEL,
Secretary.

[F. R. Doc. 47-1063; Filed, Feb. 4, 1947; 9:09 a. m.]

[S. O. 135, Amdt. 4]

PART 95—CAR SERVICE

DEMURRAGE CHARGES AT MEXICAN BORDER POINTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 29th day of January, A. D. 1947.

Upon further consideration of the provisions of Service Order No. 135 (8 F. R. 9569) as amended (8 F R. 10941, 11 F. R. 8451, 11077), and good cause appearing therefor; *It is ordered,* That:

Service Order No. 135, as amended, be, and it is hereby, further amended by substituting the following paragraph (e) for paragraph (e) of § 95.502 *Demurrage charges at Mexican border points.*

(e) This order, as amended, shall expire at 11:59 p. m., June 30, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, This amendment shall become effective at 12:01 a. m., February 5, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W P BARTEL,
Secretary.

[F. R. Doc. 47-1064; Filed, Feb. 4, 1947; 9:09 a. m.]

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS OF BERMUDA OR SPANISH TYPE ONIONS

CROSS REFERENCE: For an exception to the provisions of § 500.72 see Part 520 of this chapter, *infra.*

[Gen. Permit ODT 18A, Rev. 28A]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS, AND SPECIAL DIRECTIONS

SHIPMENTS OF BERMUDA OR SPANISH TYPE ONIONS

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, and General Order ODT 18A, Revised, as amended, it is hereby ordered, that:

§ 520.528 *Shipments of Bermuda or Spanish type onions.*[1] Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172), or the restrictions contained in Special Direction ODT 18A-2A, as amended (9 F R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F R. 1358, 13793, 14114), any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of Bermuda or Spanish type onions when the origin point is in the States of California, Colorado, Idaho, Nevada, Oregon, Utah, or Washington, and the quantity of such freight loaded in each car is not less than 30,000 pounds.

This General Permit ODT 18A, Revised-28A, shall become effective February 1, 1947, and shall expire at 11:59 p. m. on June 30, 1947.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Law 475, 79th Cong., 60 Stat. 345, 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 31st day of January 1947.

HOMER C. KING,
Deputy Director, Office of Defense Transportation.

[F. R. Doc. 47-1092; Filed, Feb. 4, 1947; 9:09 a. m.]

[1] Confidential status released by letter dated December 23, 1946, of the Chief of Bureau of Yards and Docks, Navy Department.

[1] See also Item 400 of Special Direction ODT 18A-2A, as amended, General Permit ODT 18A, Revised-18, as amended, relating to perishable for the armed forces (11 F. R. 9192, 12364), and General Permit ODT 18A, Revised-23, relating to shipments originating in Salinas or Watsonville, California (11 F. R. 10126).

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 9]

[Docket No. 8070]

AERONAUTICAL RADIOCOMMUNICATION SERVICE

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to make a general revision of the rules and regulations governing and aviation radio service. The proposed revision is set forth below.

3. These proposed rules are issued under the authority of sections 301, 303 (f) and 303 (r) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed rules should not be adopted in the form set forth may file with the Commission on or before February 21, 1947 a written statement or brief setting forth his position. The Commission will conduct an oral argument and hearing at its offices in Washington, D. C. on February 28, 1947 at which interested persons who have filed written statements or briefs may appear and submit any evidence or argument on the issues in question.

(Sec. 301, 48 Stat. 1081, sec. 303 (f) 48 Stat. 1082, sec. 303 (r) 50 Stat. 191, 47 U. S. C. 301, 303 (f) 303 (r))

Adopted: January 23, 1947.

DEFINITIONS

APPLICATIONS AND LICENSES

OPERATOR RULES

TESTS

LOGS

TECHNICAL SPECIFICATIONS

MISCELLANEOUS

AIRCRAFT STATION

AIR CARRIER STATION

NON-AIR CARRIER STATION

AIRDROME CONTROL STATION

AERONAUTICAL LAND STATION

AERONAUTICAL FIXED STATION

AERONAUTICAL MOBILE UTILITY STATION

AERONAUTICAL NAVIGATIONAL AID RADIO STATION

FLIGHT TEST STATION

FLYING SCHOOL STATION

AERONAUTICAL PUBLIC SERVICE STATION

DEFINITIONS

§ 9.1 *Aeronautical radiocommunication service.* A radiocommunication service is used for the safe, expeditious and economical operation of aircraft.

(a) *Aeronautical mobile radio service.* A radio service between aircraft radio stations and ground stations and between aircraft radio stations themselves.

(b) *Aeronautical fixed radiocommunication service.* A radiocommunication service for aeronautical purposes carried on between fixed points.

(c) *Aeronautical navigational radio service.* A radio service for aeronautical purposes involving the transmission of special radio signals intended solely to assist in the determination of aircraft position, including that relative to collision hazards.

(d) *Aeronautical public communication service.* A communication service carried on between aircraft and land radio stations for the purpose of providing a public communication service for persons aboard aircraft.

§ 9.2 *Aircraft radio station.* A radio station on board any aircraft including all radiocommunication devices aboard the aircraft without regard to their intended use.

(a) *Air carrier station.* An aircraft radio station aboard an aircraft engaged in transportation of passengers or cargo for hire.

(b) *Non-carrier station.* A radio station on board an aircraft other than air carrier.

§ 9.3 *Ground radio station.* Any radio station on the ground equipped or engaged in radio communications or radio transmission of energy.

(a) *Airdrome control radio station.* A radio station provided for control of ground and air traffic in the control area of an airport.

(b) *Aeronautical land station.* A land station in the aeronautical mobile service carrying on a service with aircraft stations, but which may also carry on a limited communication service with other aeronautical land stations.

(c) *Aeronautical fixed station.* A radio station used in the fixed service for

the handling of communications between fixed points relating solely to actual aviation needs.

(d) *Aeronautical mobile utility station.* A mobile radio station used for communications with control towers and aircraft on the ground and between ground vehicles at airports.

§ 9.4 *Aeronautical navigational radio station.* A radio station for aeronautical purposes involving the transmission of special radio signals intended solely to assist in the determination of aircraft position, including that relative to collision hazards.

(a) *Radio beacon station.* A special radio station, the emissions of which are intended to enable an aircraft to determine: (1) Its radio bearing or direction with reference to the radio beacon station, or (2) the distance which separates it from the latter, or (3) both of these.

(b) *Radio direction finding station.* A radio station equipped with special apparatus for obtaining radio bearing.

(c) *Radio range station.* A form of radio beacon the emissions of which provide definite track guidance.

(d) *Localizer station.* A directional radio beacon associated with an instrument landing system which provides guidance in the horizontal plane to an aircraft for purposes of approach in landing.

(e) *Glide path station.* A directional radio beacon associated with an instrument landing system which provides guidance in the vertical plane to an aircraft for purposes of approach and landing.

(f) *Marker station.* A radio station marking a definite location on the ground.

(g) *Ground control approach station.* A station used for the purpose of controlling from the ground the approach and landing of aircraft.

§ 9.5 *Flight test station.* A radio station, ground or aircraft, used for the transmission of essential communications in connection with the tests of aircraft or major components of aircraft.

§ 9.6 *Flying school station.* A radio station, ground or aircraft, used for communications pertaining to instruction to students or pilots while in flight.

§ 9.7 *Aeronautical public service station.* A radio station, ground or aircraft, licensed for the purpose of carrying on public communication service for hire.

APPLICATIONS AND LICENSES

§ 9.10 *Applications made on prescribed forms.* Applications for authorizations for stations in the aeronautical radiocommunications service shall be submitted on the prescribed forms which may be obtained from the Washington, D. C., office of the Commission, or from any of its field offices.

§ 9.11 *Place of filing.* Each application for authorization for stations in the aeronautical radiocommunications service shall be filed with the Federal Communications Commission, Washington 25, D. C.

§ 9.12 *Subscription and verification of applications.* One copy of each application for authorization for a station in the aeronautical radiocommunications service shall be personally subscribed and verified by the applicant or an authorized official of the applicant.

§ 9.13 *Contents of applications.* Each application shall be specific and complete with regard to frequency, power, equipment, location and other information required by the application form.

§ 9.14 *Application for carrier aircraft radio station license.* Application for new or modified carrier aircraft radio station license shall be submitted on FCC Form No. 404. Application for renewal of carrier aircraft radio station license shall be submitted on FCC Form No. 405. A blanket application may be submitted for a group of stations of the same class.

§ 9.15 *Application for non-carrier aircraft radio station license.* (a) All applications for non-carrier aircraft radio stations, new, modified or renewal, which specify only those frequencies which are regularly available for this type of service shall be submitted on FCC Form No. 404–A. All others, shall be submitted on FCC Form No. 404. A blanket application may be submitted for a group of stations of the same class.

(b) *Temporary station license.* The purchasers of new aircraft with factory installed radio equipment may operate the radio station on their aircraft for a period of 30 days under Special Temporary Authority evidenced by a copy of a Certificate (FCC Form No. 453–B) executed by the manufacturer, dealer or distributor, the original of which has been mailed to the Commission with the formal application for station license.

§ 9.16 *Transfer and assignment of aircraft.* Upon the sale, assignment or transfer of any aircraft, a new application for license shall be submitted in accordance with § 9.14 or 9.15.

§ 9.17 *Application for ground station authorization.* Ground station authorization may be obtained as follows:

(a) An application for construction permit for each ground station shall be submitted on FCC Form No. 401 in duplicate. If the antenna structure of the proposed station is over 150 feet in height, or within 3 miles of a Civil Aeronautics Administration landing area, FCC Form No. 401a must be submitted in quadruplicate. Application for construction permit for portable or mobile units may be combined with an application for construction permit for a ground station of the same class on FCC Form No. 401. An application on FCC Form No. 401 in duplicate may be submitted for construction permit for any number of mobile units of the same class of station.

(b) Application for station license: Upon completion of construction or installation of a station in exact accordance with the terms and conditions set forth in the construction permit, an application for license may be filed on FCC Form No. 403.

(c) Upon request of the applicant, and where it appears to the Commission that there will be no deviation from the terms of the construction permit, both construction permit and license may be granted simultaneously. Should this procedure be requested it will be necessary for the applicant to file on FCC Form No. _____.

(d) Application for renewal of ground station license shall be made on FCC Form No. 405.

(e) Application for transfer or assignment of a ground station construction permit or license shall be filed on FCC Form No. 702.

§ 9.18 *Application for special temporary authorization.* Special temporary authority may be granted for the operation of a station for a limited time, or in a manner and to an extent or for service other or beyond that authorized in an existing license upon proper application therefor. No such request will be considered unless full particulars as to the purpose for which the request is made are stated and unless the request is received by the Commission at least 10 days previous to the date of proposed operation. A request received within less than 10 days may be accepted upon due showing of sufficient reasons for the delay in submitting such request.

§ 9.19 *Installation, replacement or removal of transmitting apparatus.* A change in the equipment of a licensed station or a replacement of such equipment may be made without specific authorization from the Commission provided the change or replacement does not result in reduced standards of operation for the station involved and a description of the change is incorporated in the next application for renewal or modification of license.

§ 9.20 *Changes in antenna.* (a) Except as provided in paragraph (b) of this section, changes may be made in the antenna, or the antenna supporting structure of any station in the aeronautical radiocommunications service without specific authorization from the Commission: *Provided,* That (1) the Commission at Washington, D. C., and the Engineer-in-Charge of the inspection district in which the station is located are notified of these changes; and (2) a description of these changes is incorporated in the next application for renewal or modification of the station license.

(b) No changes in the antenna or antenna structure may be made without specific authorization from the Commission if (1) such changes will make the antenna higher than 150 feet; (2) the antenna is within three miles of a Civil Aeronautics Administration landing area; or (3) the antenna or antenna structure is presently required to be painted or lighted in accordance with FCC or CAA specifications.

(c) Request for the changes outlined in paragraph (b) of this section should be accompanied by FCC Form 401a in quadruplicate.

§ 9.21 *Amendments and dismissals.* Any application, prior to the time it is

granted or designated for hearing, may be amended by the applicant or dismissed without prejudice upon request of the applicant.

§ 9.22 *Form of amendments.* Any amendments to an application shall be subscribed, verified, and submitted in the same manner and with the same number of copies as required for the original application.

§ 9.23 *Amendments ordered.* The Commission may at any time order the applicant to amend an application so as to make it more definite and complete.

§ 9.24 *Defective applications.* (a) Applications which are defective with respect to completeness of answers to required questions, execution or other matters of a purely formal character will not be received for filing by the Commission, unless the Commission shall otherwise direct, and will be returned to the applicant with a brief statement as to the omissions.

(b) If the applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

(c) Applications which are not in accordance with the Commission's rules, regulations or other requirements will be considered defective unless accompanied either (1) by a petition to amend any rule or regulation with which the application is in conflict, or (2) by a request of the applicant for waiver of, or an exception to, any rule, regulation or requirement with which the application is in conflict. Such request shall show the nature of the waiver or exception desired and set forth the reasons in support thereof.

(d) Applications found to be complete will be accepted for filing and will be given a file number.

§ 9.25 *Partial grants.* Where any application is granted in part, or with any privileges, terms, or conditions other than those requested, without a hearing thereon, such action of the Commission shall be considered acceptable and final unless the applicant shall, within 20 days from the date on which public announcement of such grant is made, or from its effective date whichever is later, file with the Commission a written request for a hearing with respect to the part, privileges, terms or conditions, not granted. Upon receipt of such request, the Commission may vacate its original action upon the application and designate the application for hearing.

§ 9.26 *License period.* The normal license periods for all stations in the aeronautical radiocommunications service, unless otherwise stated in the instrument of authorization, shall be as follows:

(a) For stations in the aeronautical radiocommunications service other than non-carrier aircraft stations, a license period of 5 years.

(b) For non-carrier aircraft stations in the aeronautical radiocommunications service, a license period of 2 years, expiring on the first day of the following month 2 years after the license is issued.

§ 9.27 *Renewal of license.* Unless otherwise directed by the Commission, each application for renewal of license shall be filed at least 60 days prior to the expiration date of the license sought to be renewed.

§ 9.28 *Posting station licenses.* The station licenses of stations in the aeronautical radiocommunications service shall be conspicuously posted at the place where the transmitter is located except that, in aircraft stations and mobile stations, the license may be posted or kept at any convenient easily accessible location in the aircraft or vehicle.

§ 9.29 *Discontinuance of operation.* The Commission and Engineer-in-Charge of the district in which the station is located shall be notified upon the permanent discontinuance of licensed service by any station in the aeronautical radiocommunications service except aircraft.

OPERATOR RULES

§ 9.40 *Who may operate station.* (a) Aircraft stations using manual radiotelegraphy shall be operated by a person holding a radiotelegraph operator license or permit issued by the Commission.

(b) Aircraft stations using radiotelephony shall be operated by a licensed operator holding any class of commercial radio operator license or an aircraft radiotelephone authorization.

(c) Ground stations in the aeronautical radiocommunications service shall be operated by anyone deemed capable by the licensee. However, the entire operation of a station shall be the responsibility of the licensee of said station.

§ 9.41 *Who may adjust and maintain stations.* (a) The maintenance and adjustments of ground stations shall be the responsibility of the chief engineer of such stations. The licensee shall employ as chief engineer the holder of a second or higher class of operators license. All adjustments of the transmitter which may affect the proper operation of the station shall be made by or in the presence of the holder of a second or higher class of operators license.

(b) The maintenance and adjustments of aircraft stations shall be made by or in the presence of the holder of a second or higher class of operators license, who shall be responsible for the proper maintenance and adjustments of said station.

§ 9.42 *Obtaining operator licenses.* (a) An aircraft radiotelephone operator authorization may be obtained at any of the Commission's field offices or from other persons designated by the Commission at many airfields.

(b) Examinations for commercial radio operator licenses are conducted at Washington, D. C., each week day except Saturday and at each radio district office of the Commission on the days designated by the Engineer-in-Charge of the office.

§ 9.43 *Posting operator licenses.* The original license, or a license verification card (FCC Form 758F) of each station operator shall be conspicuously posted at the place he is on duty, or, in the case of aircraft stations or mobile units, either the license or verification card must be kept in his personal possession.

TESTS

§ 9.50 *Equipment and service tests authorized for stations in the aeronautical radiocommunications service.* Equipment and service tests other than aircraft as authorized below may be conducted: *Provided,* That the necessary precautions are taken to avoid interference.

(a) *Equipment test.* Upon completion of construction of a radio station in exact accordance with the terms of the construction permit, the technical provisions of the application therefor and the rules and regulations governing the class of station concerned and prior to filing of application for license, the permittee is authorized to test the equipment for a period not to exceed 30 days: *Provided,* That the Engineer-in-Charge of the district in which the station is located is notified 2 days in advance of the beginning of tests and the permittee is not notified by the Commission to cancel, suspend, or change the date of beginning for the period of such tests.

(b) *Service test.* When construction and equipment tests are completed in exact accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations governing the class of station concerned, and after an application for station license has been filed with the Commission showing the transmitter to be in satisfactory operating condition, the permittee is authorized to conduct service tests in exact accordance with the terms of the construction permit until final action is taken on the application for license: *Provided, That* the Engineer-in-Charge of the district in which the station is located is notified 2 days in advance of the beginning of such tests and the permittee is not notified by the Commission to cancel or suspend such tests or change the date for the period of such tests.

Service tests will not be authorized after the expiration date of the construction permit.

§ 9.51 *Routine tests.* The licensees of all classes of stations in the aeronautical radiocommunications service are authorized to make such routine tests as may be required for the proper maintenance of the station: *Provided,* That precautions are taken to avoid interference with any station.

LOGS

§ 9.60 *Information required in station logs.* (a) All stations in the aeronautical radiocommunications service except aircraft stations must keep an adequate log showing:

(1) Hours of operation.
(2) Frequencies used.
(3) Stations with which communication was held.
(4) Signature of operator(s) on duty.
(5) Results of transmitter frequency measurements.

(b) Where an antenna or antenna supporting structure(s) is required to be illuminated, the licensee shall make entries in the radio station log as follows:

(1) The time the required lights are turned on and off if manually controlled.

(2) The time the daily check of proper operation of the required lights was made either by visual observation of the required lights or by observation of the automatic indicator.

(3) In the event of any observed failure of a required light:

(i) Nature of such failure.

(ii) Time the failure was observed.

(iii) Time and nature of the adjustments, repairs or replacements made.

(iv) Airways Communication Station (CAA) notified of the failure of any code or rotating beacon light not corrected within thirty minutes and the time such notice was given.

(v) Time notice was given the Airways Communication Station (CAA) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required at least once each three months:

(i) The date of the inspection and the condition of all required lights and associated tower lighting control devices together with the measured voltage at the base of the supporting structure and the computed voltage at each lamp socket.

(ii) Any adjustments, replacements or repairs made to insure compliance with the lighting requirements.

§ 9.61 *Station records aeronautical public service.* In addition to all the requirements in § 9.60 all stations in the aeronautical public service must keep a file of all record communications handled and a list of radiotelephone contacts established as provided by Part 42 of this chapter.

§ 9.62 *Required retention period.* The logs in the aeronautical radiocommunications service may be destroyed after a period of 30 days except:

(a) That logs involving communications incident to a disaster or which include communications incident to, or involved in, an investigation by the Commission and concerning which the licensee has knowledge, shall be retained by the licensee until specifically authorized in writing by the Commission to destroy them.

(b) That logs incident to or involved in any claim or complaint of which the licensee has knowledge shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

§ 9.63 *Logs, by whom kept.* An entry or entries in the log of each station shall be signed or initialed by the person or persons having actual knowledge of the facts required to be recorded.

§ 9.64 *Log form.* The records shall be kept in an orderly manner, in suitable form, and in such detail that the data required are readily available. Key letters or abbreviations may be used if proper meaning or explanation is set forth in the log or in a communication manual available at the station.

§ 9.65 *Correction of log.* No log or portion thereof shall be erased, obliterated, or wilfully destroyed within the required retention period. Any necessary correction may be made only by the person originating the entry who shall indicate the erroneous portion, initial the correction made, and indicate the date of correction.

TECHNICAL SPECIFICATIONS

§ 9.70 *Installation and operation of transmitting equipment.* The transmitter shall be so installed and protected that it is not accessible to other than duly authorized persons. The radiations of the transmitter shall be suspended immediately when there is a deviation from the terms of the station license.

§ 9.71 *Frequency stability.* The carrier frequency of stations in the aviation radio service shall be maintained within the following percentage of the assigned frequency:

(a)

	Before Jan. 1, 1950	After Jan. 1, 1950
	Percent	*Percent*
All aircraft stations	0.02	0.01
All stations on frequencies below 500 kc	.02	.02
All ground stations on frequencies above 500 kc	.01	.01

(b) Automatic control of the emitted frequency such as direct crystal control of the oscillator stage, is required.

§ 9.72 *Frequency measurements.* The licensee of each ground station in the aeronautical radiocommunication service shall employ a suitable procedure to determine that the carrier frequency of each transmitter is maintained within the prescribed tolerance.

The assigned frequencies of all stations in the aeronautical radiocommunication service must be measured (a) when the transmitter is initially installed, (b) at any time the frequency determining elements are changed, and (c) at any time the licensee may have reason to believe the frequency has shifted beyond the tolerance specified by the Commission's rules.

The results of frequency measurements and the signature of the person making the measurements shall be filed with the station records.

§ 9.73 *Power* The power which may be authorized to a station in the aeronautical radiocommunications service shall be no more than the minimum required for satisfactory technical operation.

§ 9.74 *Types of emission.* Stations in the aeronautical radiocommunications service may be authorized to use type A1, A2, A3 and special emission, as may be appropriate. Special emission includes all types not provided for by existing international regulations such as all types of FM, pulse transmission and frequency shift printer.

§ 9.75 *Modulation and band width.* The carrier shall be modulated to a sufficiently high degree to provide effective communication, but in no case shall modulation result in emission of energy outside the authorized communication band.

§ 9.76 *Inspection of tower lights and associated control equipment.* The licensee of any station in the aeronautical radiocommunications service which has an antenna or antenna supporting structure required to be illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended:

(a) Shall make a daily check of the tower lights either by visual observation of the tower lights or by observation of an automatic indicator of proper or improper operation to insure that all such lights are functioning properly as required.

(b) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration any observed failure of a code or rotating beacon light not corrected within thirty minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) Shall inspect at intervals of at least once each three months all code or rotating beacon and automatic lighting control devices to insure that such apparatus is functioning properly as required.

MISCELLANEOUS

§ 9.80 *Station identification*—(a) *Telephony.* (1) Air carriers: In lieu of radio station call letters, the official aircraft registration number, or company flight (trip) number may be used, provided, adequate records are maintained by the carrier to permit ready identification of individual aircraft.

(2) Non-carrier aircraft: In lieu of radio station call letters, only the official aircraft registration number may be used.

(3) When use is made of the aircraft registration number, the full number must be given upon initial call and termination of each continuous series of communications. In other communications in each series, the last three (3) numbers may be used, provided, the practice is first inaugurated by the ground station operator.

(4) A ground station in the aviation service may use in lieu of the assigned radio call letters the name of the city or airport in which it is located.

(b) *Telegraphy.* In radio telegraphy the complete radio station call letters shall be used at the beginning and termination of each contact. After communication has been established, continuous two-way communication may be conducted without further identification or call-up (if no mistake in identity is liable to occur) until the termination of the contact.

(c) *Operation outside of the United States.* In accordance with Article 14, General Radio Regulations (Revision of

Cairo 1938) annexed to the International Telecommunications Convention, Madrid, 1932, assigned radio station call letters must be used outside of the United States except where special arrangements have been negotiated between the United States and another country such as the regional agreements reached under the auspices of the Provisional International Civil Aviation Organization.

§ 9.81 *Availability for inspections.* All classes of stations in the aeronautical radiocommunications service and the maintenance records of said stations shall be made available for inspection upon request of an authorized representative of the Commission made to the licensee or to his representative.

§ 9.82 *Permissible communications.* All stations in the aeronautical radiocommunications service, except those stations licensed for public aviation service, shall transmit only communications relating to and necessary for aircraft operation and the protection of life and property in the air.

§ 9.83 *Answers to notices of violations.* Any licensee receiving official notice of a violation of the terms of the Communications Act of 1934, as amended, any legislative act, Executive order, treaty to which the United States is a party, or the rules and regulations of the Federal Communications Commission, shall, within three days from such receipt, send a written answer to the Federal Communications Commission at Washington, D. C., and a copy thereof to the office of the Commission originating the official notice when the originating office is other than the office of the Commission at Washington, D. C. If an answer cannot be sent, or an acknowledgment made within such three-day period by reason of illness or other unavoidable circumstances, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices.

If the notice relates to some violation that may be due to the physical or electrical characteristics of transmitting apparatus, the answer shall state fully what steps, if any, are taken to prevent future violations, and if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given, or if a file number has not been assigned by the Commission, such identification as will permit ready reference.

If the notice of violation relates to some lack of maintenance resulting in improper operation of the transmitter, the name and license number of the operator in charge of maintenance shall be given.

If the notice of violation relates to some lack of attention to or improper operation of the transmitter by other employees, the reply shall set forth the steps taken to prevent a recurrence of such lack of attention or improper operation.

§ 9.84 *Movement of portable or mobile stations from one inspection district to another.* When portable or mobile stations in the aeronautical radiocommunications service are moved from one radio inspection district to another, for regular operation therein, the licensee shall notify the Commission's Engineers-in-Charge of the respective districts. These Engineers-in-Charge shall be notified prior to the move, if practicable, but in any event not later than forty-eight hours thereafter.

§ 9.90 *Communications.* Communications by an aircraft station except those licensed in the aeronautical public service shall be limited to the necessities of safe aircraft navigation. Normally contacts with airport control stations shall not be attempted unless the aircraft is within the control area of the airport.

§ 9.91 *Frequencies available.* The following frequencies are available to all aircraft stations:

(a) 375 kilocycles: International direction-finding frequency for use outside the continental United States.

(b) 457 kilocycles: Working frequency exclusively for aircraft on sea flights desiring an intermediate frequency.

(c) 500 kilocycles: International calling and distress frequency for ships and aircraft over the seas.[1]

(d) 6210 kilocycles: International aircraft calling and working frequency.

(e) 8280 kilocycles: Calling and distress frequency for use by ships and aircraft over the seas in addition to 500 kilocycles or in lieu thereof where 500 kilocycles is not available.[1]

(f) 121.7 and 121.9 megacycles: Airport utility frequency.

(g) 121.5 megacycles: This frequency is a universal simplex channel for emergency and distress communications. It will provide a means of calling and working between the various services in connection with search and rescue operations, an emergency means for direction-finding purposes and a means for establishing air to ground contact with lost aircraft. This frequency will not be assigned to aircraft unless there are also assigned and available for use other frequencies to accommodate the normal communication needs of the aircraft.

(h) These frequencies are available for approach control use:

123.7 Mc	124.3 Mc	124.9 Mc	125.5 Mc
123.9 Mc	124.5 Mc	125.1 Mc	
124.1 Mc	124.7 Mc	125.3 Mc	

(i) *Miscellaneous maritime frequencies.* Calling and working frequencies of ship stations may also be assigned to aircraft stations for the purpose of communicating with coastal stations, or ship stations, when aircraft are in flight over the seas; available for A1, A2 and A3 emission in conformity with Part 8, Rules Governing Ship Service, provided the Commission is satisfied in each case that undue interference will not be caused to the service of ship or coastal stations.

(j) Other frequencies which may be required for overseas and foreign operation may also be made available upon the showing that a need exists therefor.

§ 9.95 *Lighter-than-air craft frequencies.* The following additional frequencies may be assigned to lighter-than-air craft and to aeronautical stations serving lighter-than-air craft: 2930 kc, 6615 kc, 1191 kc.

AIR CARRIER STATION

§ 9.100 *Frequencies available.* The following frequencies, in addition to those listed in § 9.91 are available to air carrier aircraft stations.

(a) 3117.5 kilocycles: National calling and working frequency for air carrier aircraft.

(b) These frequencies are available for communication to airdrome control stations:

125.7 Mc	126.1 Mc	126.5 Mc
125.9 Mc	126.3 Mc	

(c) 126.7 megacycles: Air carrier aircraft to airway stations.

(d) The aeronautical frequencies listed under § 9.131 are also available to air carrier aircraft.

(e) 3105 kilocycles: Available to air carrier aircraft only on off route operations where other facilities are not available.

NOTE: The date for full implementation of the VHF program is July 1, 1950. Until duplex equipment is available, the VHF airport traffic control frequencies are also available to air carrier aircraft for simplex operation.

NON-AIR CARRIER STATION

§ 9.110 *Frequencies available.* The following frequencies, in addition to those listed in § 9.91, are available to non-air carrier stations:

(a) 3105 kilocycles: National aircraft calling and working frequency for use by non-air carrier aircraft.

(b) 122.1 and 122.3 megacycles: Non-air carrier aircraft to airway stations.

(c) 122.5, 122.7 and 122.9 megacycles: Non-air carrier aircraft to airdrome control station.

(d) The aeronautical frequencies listed under § 9.131 are also available to non-air carrier aircraft upon showing that a need exists and that agreements have been made with appropriate ground stations.

AIRDROME CONTROL STATION

§ 9.120 *Frequencies available.* The following frequencies are available to airdrome control stations:

(a)

118.1 Mc	119.3 Mc	120.5 Mc
118.3 Mc	119.5 Mc	120.7 Mc
118.5 Mc	119.7 Mc	120.9 Mc
118.7 Mc	119.9 Mc	121.1 Mc
118.9 Mc	120.1 Mc	121.3 Mc
119.1 Mc	120.3 Mc	

(b) *278 kilocycles.* This frequency is available for assignment in lieu of a very high frequency. Its use must be supplemented by a service on one of the very high frequencies: *Provided, however,*

[1] Transmission on these frequencies with the exception of urgent and safety messages and signals must cease twice each hour, for 3 minutes beginning at x:15 and x:45 o'clock, GCT.

That until July 1, 1947, upon application therefor the Commission may exempt any station from the very high frequency service requirement when it appears that in the preservation of life and property in the air such service is not required at that station. All outstanding exemptions are terminated July 1, 1947.

(c) *121.7 and 121.9 megacycles.* These utility frequencies are available to airdrome control stations for communications with ground vehicles and aircraft on the ground at airports. The antenna height shall be restricted to the minimum to achieve the required service.

(d) *121.5 megacycles.* This frequency is a universal simplex channel for emergency and distress communications. Transmitting and receiving equipment shall be provided by July 1, 1948.

§ 9.121 *Service to be rendered.* Communications of an airdrome control station shall be limited to the necessities of safe operation of aircraft using the airport facilities or operating within the airport control area and in all cases such stations shall be in a position to render, and shall render, all airdrome control service.

The licensee of an airdrome control station shall without discrimination provide nonpublic service for any and all aircraft. Such licensee shall maintain a continuous listening watch on the aircraft calling and working frequencies 3105 kilocycles; after July 1, 1947, on 122.5, 122.7 or 122.9 megacycles (initially watch on 122.5 only) and, after July 1, 1948, on the emergency frequency 121.5 megacycles.

§ 9.122 *Hours of operation.* The licensee shall also be prepared to render a nonpublic communication service 24 hours a day: *Provided, however* That upon application therefor the Commission may exempt any station from the requirements of this provision when it appears that in the preservation of life and property in the air the maintenance of a continuous watch by such station is not required.

§ 9.123 *Airport facilities.* Only one airdrome control station will be licensed to operate at an airport.

§ 9.124 *Interference.* The operation of airdrome control stations in adjacent airport areas shall be on a noninterference basis only. In case of disagreement between adjacent areas, the Commission will specify the arrangements necessary to eliminate interference.

§ 9.125 *Power* (a) Airdrome control stations using frequencies below 400 kilocycles will not be licensed to use more than 15 watts power for type A3 emission.

(b) The power of airdrome control stations operating on other frequencies shall be 50 watts.

NOTE: In filing an application for airdrome control radio station, the applicant shall leave blank section 16 (1) of Form 401; then, the Commission, upon proper coordination with the government agencies concerned, will determine the proper frequency for the use specified.

AERONAUTICAL LAND STATION

§ 9.130 *Service authorized.* Aeronautical land stations shall provide service of the particular class authorized without discrimination to all carrier aircraft the owners of which make cooperative arrangements for the operation and maintenance of the aeronautical stations which are to furnish such service and for shared liability in the operation of stations. In addition, this class of station shall provide reasonable and fair service to non-carrier aircraft in accordance with the provisions of the regulations in this part.

NOTE: The requirements of this section are waived with respect to all aeronautical stations of the Civil Air Patrol.

§ 9.131 *Frequencies available; 121.5 megacycles.* This frequency is a universal simplex channel for emergency and distress communications. It will provide a means of calling and working between the various services in connection with search and rescue operations, an emergency means for direction finding purposes and a means for establishing air to ground contact with lost aircraft.

(a) *Domestic service.* The frequencies allocated to the several chains are as follows:

NOTE: Although chain systems are primarily domestic, operations may extend into neighboring countries. Chain systems will be established as indicated upon a map to be maintained by the Commission.

(1) *Red chain and feeders.* Available for aircraft and aeronautical stations:

3147.5	3372.5	5572.5	5697.5
3162.5	3467.5	5582.5	[2] 5825
3172.5	5122.5	5592.5	[2] 8240
3182.5	5162.5	5662.5	12330
3322.5	5172.5		

(2) *Blue chain and feeders.* Available for aeronautical and aircraft stations:

2906	[2] 4110	4952.5	[2] 6510
[3] 3062.5	4937.5	4967.5	[2] 6520
3072.5	4947.5	[2] 5692.5	[2] 10125
3088			

(3) *Brown chain and feeders.* Available for aeronautical and aircraft stations:

2946	3432.5	5602.5	5672.5
[4] 3137.5	4732.5	5612.5	[5] 5892.5
[6] 3222.5	[2] 5252.5	5622.5	[2] 6550
3232.5	[5] 5365	5632.5	[2] 7700
3242.5	[6] 5390	5652.5	[2] 10080
3257.5	[4] 5480		

(4) *Green chain and feeders.* Available for aeronautical and aircraft stations:

[2] 2608	2986	5310	[2] 6805
[2] 2898	4122.5	5652.5	[2] 8565
2922	[2] [8] 4335	[2] 5707.5	[2] 11960
2946	4742.5	[2] 6795	

[2] These frequencies are assigned upon the express condition that no interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies with which interference results.

[3] Subject to the condition that no interference is caused to Government stations, A3 emission may be used if the communication band width of emission does not exceed 3,000 cycles.

(5) *Purple chain and feeders.* Available for aeronautical and aircraft stations:

2644	3127.5	[2] 5377.5
2994	4017.5	[2] 5887.5
3005	[2] [7] 5275	[2] 6490

(6) *Yellow chain and feeders.* Available for aeronautical and aircraft stations:

3447.5	[2] [7] 4650	[7] 5215
3457.5	5032.5	5682.5
3485	5042.5	[2] [7] 8070

(7) *Hawaiian chain and feeders (green)* Available for aeronautical and aircraft stations:

2922	4742.5	5375	6610

(8) *Air carriers en route:*

126.9 Mc	128.1	129.1	130.1	131.1
127.1	128.3	129.3	130.3	131.3
127.3	128.5	129.5	130.5	131.5
127.5	128.7	129.7	130.7	131.7
127.7	128.9	129.9	130.9	131.9
127.9				

NOTE: The system of assignment of these frequencies is under study.

(b) *International Service.* The frequencies allocated to the several routes are as follows and are subject to change as routes are organized by the Provisional International Civil Aviation Organization:

(1) *Inter-American route:*

2870 (Traffic control)
3083.5 5405 5692.5

A–1 emission only on the following:

[9] 6557	[10] 8217	11381	17274
6583	[10] 8225	11394	23301
6590	[10] 8233	17257	23324
6597			

(2) *Trans-Pacific route:*

2870 (Traffic control)
2976 5165

A–1 emission only on the following:

[9] 6557	8561	11369	23346
6563	8569	12824	23369
6570	8577	17319	
6577	11356	17336	

(3) *Europe-North America route:*

2912 (Traffic control)
2912 [2] 3285 3248

[4] Primarily for that portion of the Brown Chain between New York, N. Y., and Montreal, Canada.

[5] For use only in that portion of the United States north of New York City.

[6] Primarily for that portion of the Brown Chain between New York, N. Y., and Toronto, Canada.

[7] Available for aeronautical and aircraft stations subject to 0.01% tolerance and 2500 cycles maximum modulating frequency.

[8] Maximum power 50 watts for use east of New York only, subject to the condition that no interference will be caused to Agriculture stations in the fixed service or to any station which in the judgment of the Commission has priority on this frequency.

[9] Additional frequency to be used only in case of interference or when traffic conditions do not permit the use of the other frequencies assigned to this route. Not to be used in continental United States.

[10] Priority is recognized of the service existing outside the American continents as of January 1938.

A–1 emission only on the following:

[9]6543	8538	11319	17350
6563	8546	12776	[11]17367
6570	8554	[11]12788	23211
6577	11306	[9]17288	23234

(4) *Europe-Arctic route:*

2912 (Traffic control)
[12]1674 3285

A–1 emission only on the following:

[9]6523	6543	8485	17288
[9]6530	[9]6550	11331	23256
6537	6557	11344	23279

AERONAUTICAL FIXED STATION

§ 9.140 *Service authorized.* Aeronautical fixed stations are authorized primarily for the handling of communications in connection with and relating solely to the actual aviation needs of the licensees.[13]

§ 9.141 *Emergency service.* The licensee of an aeronautical fixed station shall be required to transmit, without charge or discrimination, all necessary messages in times of public emergency which involve the safety of life or property.

§ 9.142 *Frequencies available.* The frequencies which will be authorized to stations in the aeronautical fixed service shall be chosen from those frequencies available to this service by national and international agreement. The specific frequency will be selected in accordance with the requirements of the service contemplated.

AERONAUTICAL MOBILE UTILITY STATION

§ 9.150 *Frequencies available.* The frequencies 121.7 and 121.9 megacycles are available for aeronautical mobile utility stations.

§ 9.151 *Use of utility station frequency.* Communications by a utility station shall be limited to the necessities of ground traffic control on an airport and may be used for essential two-way communication between control towers, ground vehicles at airports and aircraft on the ground.

§ 9.152 *Power.* Power and antenna height shall be restricted to the minimum to achieve the required service.

AERONAUTICAL NAVIGATIONAL AID RADIO STATION

§ 9.160 *Frequencies available.* (a) Instrument landing localizer with simultaneous radiotelephone channel: The band 108.1 to 111.9 megacycles.

(b) Instrument landing glide path: The band 328.6 to 335.4 megacycles.

(c) Instrument landing marker: 75 megacycles.

(d) Airway track guidance (ranges): 112.1 megacycles through 117.9 megacycles.

NOTE: In filing an application for aeronautical navigational radio station the applicant should leave blank section 16 (1) of Form 401; then, the Commission, upon coordination with the government agencies concerned, will determine the proper frequency for the use specified.

§ 9.161 *Basis of grant of facilities.* Air navigation aid facilities are normally operated by the Civil Aeronautics Administration. However, the frequencies are available to the FCC for licensing to the industry at those locations where an applicant justifies the need for such service and CAA is not prepared to render this service. Air navigation service will be authorized only where the applicant meets all requirements specified by the Civil Aeronautics Administration and the Federal Communications Commission for the type of installation proposed. The grant of a license will be on condition that the licensee release the facilities and remove his equipment if and when such release or removal may be required by the government.

FLIGHT TEST STATION

§ 9.170 *Frequencies available.* (a) The frequencies 123.1, 123.3 and 123.5 megacycles are available for ground and aircraft flight test stations (these frequencies are shared with flying school stations on a non-interference basis).

(b) The following frequencies are available to flight test stations for telemetering activities:

NOTE: Telemetering is the automatic transmission of instrument readings. The frequencies listed are subject to interference until January 1, 1949, at specific gateways.

217.425 Mc	217.625 Mc	219.450 Mc
217.475	217.675	219.475
217.525	219.325	219.525
217.550	219.375	219.575
217.575	219.425	

§ 9.171 *Eligibility of licensee.* A flight test station license will be granted only to manufacturers of aircraft and of major aircraft components.

§ 9.172 *Cooperative use of facilities.* (a) Only one flight test station for operation on the ground will be licensed to serve an airport and such station will be required to provide service without discrimination, but on a cooperative maintenance basis, to all manufacturers eligible for a license for flight test station.

(b) Where licensees desire to conduct flight tests in adjacent airport control areas, or where radio interference may result from simultaneous operation of stations at nearby airports, they shall arrange for a satisfactory time division by mutual agreement. If such an agreement cannot be reached the Commission will determine and specify the time division upon request of either licensee.

§ 9.173 *Service to be rendered.* The use of these stations will be restricted to the transmission of necessary information or instructions relating directly to tests of aircraft or components thereof.

§ 9.174 *Power.* The power output of flight test stations designated for operation on board aircraft shall be limited to 10 watts and ground stations shall be limited to 50 watts.

§ 9.175 *Supervision of airport control operator.* At any airport at which an airport control station or control tower is in operation, the airport control operator must be given a remote microphone connection to the ground flight test station transmitter for the transmission of orders or instructions of an emergency nature to aircraft flight test stations within the control area of the airport.

FLYING SCHOOL STATION

§ 9.180 *Frequencies available.* The frequencies 123.1, 123.3 and 123.5 megacycles are available for ground and aircraft flying school stations (shared with flight test stations on a non-interference basis).

§ 9.181 *Eligibility of licensee.* A flying school station license may be granted only to bona fide flying schools and soaring societies.

§ 9.182 *Limitations of instructional facilities.* Assignments will be limited to one station to an airport location for one or more flying schools.

§ 9.183 *Coordinated use of instructional facilities.* Where more than one flying school operates from an airport location, coordinated use of a single instructional frequency shall be arranged, placed in the form of a signed agreement and filed with the Commission. In case of disagreement the Commission will specify the arrangements to be followed.

§ 9.184 *Use of flying school frequency.* All aircraft engaged in instructional flying in the vicinity of an airport shall transmit only on the flying school frequency assigned to that airport location.

§ 9.185 *Supervision by airport control operator.* At any airport at which an airport control station or control tower is in operation, the airport control operator must be given a remote microphone connection to the transmitter operating on the flying school frequency for the transmission of orders or instructions of an emergency nature to students in flight within the control area of the airport.

§ 9.186 *Power.* The power output of flying school stations shall not be more than 50 watts for land stations and not more than 10 watts for aircraft stations.

§ 9.187 *Frequency assignments nonexclusive.* No frequency available to a station engaged in instructional flying will be assigned exclusively to any applicant. All stations in this service are required to coordinate operation so as to avoid interference and make the most effective use of assignments.

§ 9.188 *Private service prohibited.* The use of flying school frequencies for other than instruction purposes and promotion of safety of life and property is prohibited.

AERONAUTICAL PUBLIC SERVICE STATION

§ 9.190 *Frequencies available.* The frequencies available to ship telegraph and ship telephone stations are available to public service aircraft stations for the handling of public correspondence in the

[9] Additional frequency to be used only in case of interference or when traffic conditions do not permit the use of the other frequencies assigned to this route. Not to be used in continental United States.

[11] Priority is recognized of the existing services of the American continents as well as of the territories and possessions of the states of these continents.

[12] Not to be used south of Ketchikan, Alaska, or in the continental United States.

[13] Aeronautical fixed stations will not be authorized where land line facilities adequate for the service required are available.

same manner and to the same extent that they are available to ships of the United States and under restrictions hereinafter provided. These frequencies are assigned on the express condition that no interference is caused to marine operations.

NOTE: The general mobile service, as proposed, will also be available for use aboard aircraft.

§ 9.191 *Stations licensed for aeronautical public service.* Only those stations in the aeronautical service licensed for aeronautical public service shall carry on public communication service for hire. Coastal or ship stations already licensed to carry on public communication service for hire may provide such service to or from public service aircraft. No station shall carry on interstate or foreign public communication service for hire until appropriate effective tariffs covering such service are on file with the Commission.

§ 9.192 *Extent of service.* All stations licensed in the aeronautical public service shall intercommunicate without discrimination with any other station similarly licensed, wherever necessary for the handling of traffic.

§ 9.193 *Requirement for aeronautical public service station.* Upon showing that a need exists and that arrangements have been made with appropriate land stations for aeronautical public service a license or other instrument of authorization may be issued for a station for public correspondence: *Provided,* That a continuous effective listening watch is maintained on the frequency or frequencies used for the aviation safety service messages while public service messages are being handled; and that the installation and system of operation will permit instantaneous interruption of aeronautical public service communications to transmit or receive safety service messages.

§ 9.194 *Priority of communications.* (a) The regular routine communications of stations in the aeronautical radio communication service are essential to the safe operation of aircraft and shall have priority over public correspondence.

(b) The radio operator in charge of the aircraft station shall suspend operations of aeronautical public service stations when such operations will delay or interfere with messages pertaining to safety of life and property or when ordered to do so by the captain of the aircraft.

(c) The operation of aeronautical public service stations shall be suspended when it interferes with the radio communications of the safety service.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1065; Filed, Feb. 4, 1947; 8:59 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR, Chapter I]

[File No. 21-397]

RENDERING INDUSTRY

NOTICE OF HOLDING OF TRADE PRACTICE CONFERENCE

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C. on the 31st day of January A. D. 1947.

Notice is hereby given that a Trade Practice Conference will be held by the Federal Trade Commission for the Rendering Industry at the Statler Hotel, Washington Avenue at St. Charles and Ninth Streets, St. Louis, Missouri, on Friday, February 28, 1947, beginning at 10 a. m., Central Standard Time. The industry is that engaged primarily in procuring fallen animals from farmers, ranches, and other owners of dead stock, and animal bones and oil and fat-bearing animal waste from butcher shops, slaughter houses, restaurants, and other establishments, and in processing and converting the same into inedible tallow and greases which are sold principally for use in the manufacture of soap. Secondary industry products include animal protein materials which are widely used in live stock and poultry feeds and as fertilizer, and hides recovered from processed dead stock or procured from slaughter houses and other sources.

All persons, partnerships, corporations, associations, or other parties or groups, engaged in such business are invited to attend or be represented at the conference. The conference and further proceedings in the matter will be directed toward the eventual establishment and promulgation by the Commission of trade practice rules under which unfair methods of competition, unfair or deceptive acts or practices, and other illegal practices in the procurement and processing of raw materials and sale and distribution of finished products of this industry may be eliminated and prevented.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-1086; Filed, Feb. 4, 1947; 9:08 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 1642690]

ARIZONA

NOTICE OF FILING OF PLATS OF SURVEY

JANUARY 15, 1947.

Notice is given that the plats of survey hereinafter described will be officially filed in the district land office at Phoenix, Arizona, effective at 10:00 a. m. on March 19, 1947. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from 10:00 a. m., on March 19, 1947, to close of business on June 17, 1947, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283) subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2)

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from February 27, 1947, to 10:00 a. m., on March 19, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on March 19, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on June 18, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from May 29, 1947, to 10:00 a. m., on June 18, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on June 18, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Phoenix, Arizona, shall be acted upon

in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254) and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager District Land Office, Phoenix, Arizona.

The lands affected by this notice are described as follows:

ARIZONA

GILA AND SALT RIVER MERIDIAN

Tps. 39 and 40 N., Rs. 8 W.,
Tps. 36 to 40 N., inclusive, R. 9 W.,
T. 39 N., R. 10 W.

The topography varies from gently rolling to rough, featured by the bald Hurricane Ledge escarpment, which crosses the area from south to north. Elevations range from about 4,200 to 6,000 feet above sea level. Soils are clay with varying amounts of gravel and rock. Vegetation consists of mixed brush and grass, with scattered juniper and pinon.

FRED W. JOHNSON,
Acting Director

[F. R. Doc. 47-1042; Filed, Feb. 4, 1947; 9:03 a. m.]

IDAHO

REVOCATION OF ORDERS OPENING LANDS UNDER FOREST HOMESTEAD ACT

JANUARY 24, 1947.

On request of the Department of Agriculture and pursuant to the authority delegated to me by the Secretary of the Interior (43 CFR 4.275 (a) (38) I hereby revoke, subject to valid existing rights, the orders described below, opening public lands in the Salmon and Nez Perce National Forests, Idaho, for entry under the act of June 11, 1906, as amended (34 Stat. 233; 16 U. S. C. secs. 506-509) as to the land hereinafter described:

Date of order of opening	List No.	National Forest	Land
Oct. 21, 1911	4-652	Salmon	T. 14 N., R. 25 E., B. M., sec. 1, in the unsurveyed E½NE¼, SW¼NE¼, N½N½SE¼, containing approximately 160 acres.
Dec. 13, 1917	1-3584	Nez Perce	T. 29 N., R. 7 E., B. M., secs. 24 and 25, an area in these unsurveyed sections, containing approximately 80 acres.

THOS. C. HAVELL,
Acting Assistant Director.

[F. R. Doc. 47-1043; Filed, Feb. 4, 1947; 9:03 a. m.]

Office of the Secretary

KIOWA, COMANCHE AND APACHE LANDS, OKLAHOMA

ORDER OF RESTORATION

Whereas, the act of Congress approved June 18, 1934 (48 Stat. 984) provides in part as:

The Secretary of the Interior, if he shall find it to be in the public interest, is hereby authorized to restore to tribal ownership the remaining surplus lands of any Indian reservation heretofore opened, or authorized to be opened, to sale, or any other form of disposal by presidential proclamation, or by any of the public-land laws of the United States: *Provided, however,* That valid rights or claims of any persons to any lands so withdrawn existing on the date of the withdrawal shall not be affected by this Act: * * *,

and

Whereas, Lot 3, Section 15, Township 5 South, Range 10 West, and Lot 6, Section 4, Township 5 South, Range 13 West, I. M. Oklahoma, remain undisposed of and while the surface of said lots are submerged under the waters of Red River they have a potential value for minerals, and

Whereas, the Tribal Business Committee, the Superintendent of the Kiowa Agency and the Commissioner of Indian Affairs have recommended the restoration to tribal ownership of the lands above described.

Now, therefore, by virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 18, 1934, I hereby find that restoration of tribal ownership of the lands herein described will be in the public interest and said lands are hereby restored to tribal ownership for the use and benefit of the Kiowa, Comanche and Apache Tribe and are added to and made a part of the existing Kiowa, Comanche and Apache Reservation, subject to any valid existing rights.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

DECEMBER 16, 1946.

[F. R. Doc. 47-1046; Filed, Feb. 4, 1947; 9:07 a. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 1593, 1909, 2032]

PAN AMERICAN AIRWAYS, INC. AND PANAIR DE BRASIL, S. A.

NOTICE OF ORAL ARGUMENT

Pan American Airways, Inc.—Latin American rates, Docket No. 1593; Pan American Airways, Inc.—Miami-Leopoldville rates, Docket No. 1909; Pan American Airways, Inc.—Panair de Brasil contract investigation, Docket No. 2032.

In the matter of the compensation to be paid to Pan American Airways, Inc., for the transportation of mail by aircraft and in the matter of an investigation of an agreement between Pan American Airways, Inc., and Panair de Brasil, S. A.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938 as amended, that oral argument in the above proceedings is assigned to be held on March 4, 1947, at 10:00 a. m., eastern standard time, in Room 5042 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., January 30, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-1033; Filed, Feb. 4, 1947; 9:03 a. m.]

[Docket No. 548 et al.]

NATIONAL AIRLINES, INC., ET AL., MISSISSIPPI VALLEY CASE

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of applications by National Airlines, Inc., et al., for certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given that oral argument in the above proceeding now assigned to be held on February 24, 1947, is postponed to Monday, March 10, 1947, 10:00 a. m., eastern standard time, in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., January 28, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-1031; Filed, Feb. 4, 1947; 9:07 a. m.]

[Dockets Nos. 1706, 1499]

PAN AMERICAN AIRWAYS, INC.

NOTICE OF ORAL ARGUMENT

In the matter of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of Pan American Airways, Inc., in its trans-Atlantic operations, Docket No. 1706; and in its operations between the United States and Alaska and within Alaska, Docket No. 1499.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said act, that oral argument in the above-entitled proceedings is assigned to be held on March 5, 1947, at 10:00 a. m. (eastern standard time) in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., January 28, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-1032; Filed, Feb. 4, 1947; 9:07 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8058, 8040, 8032, 8031]

TYLER BROADCASTING CO., ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re: Applications of Durward J. Tucker, W M. Rodgers, Irving Brown, John W. Hardy and Ray G. Thurmond, a partnership, d/b as Tyler Broadcasting Company, Tyler, Texas, Docket No. 8058, File No. B3–P–5564; Willis Jarrel, William S. Reeves, Robert S. Boulter, William D. Lawrence, Jr., Tomas G. Pollard, Jr., and Francis Lee Lawrence, a co-partnership, d/b as Tytex Broadcasting Company, Tyler, Texas, Docket No. 8040, File No. B3–P–5540; Blackstone Broadcasting Company, Inc., Tyler, Texas, Docket No. 8032, File No. B3–P–5316; Rose Capitol Broadcasting Company, Tyler, Texas, Docket No. 8031, File No. B3–P–4975; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 23d day of January 1947;

The Commission having under consideration the above-entitled application of Durward J. Tucker, W M. Rodgers, Irving Brown, John W Hardy, and Ray G. Thurmond, a partnership, d/b as Tyler Broadcasting Company, requesting a construction permit for a new standard broadcast station to operate on 940 kc, 250 w power, daytime only, at Tyler, Texas; and

It appearing, that the Commission, on December 19, 1946, designated for hearing in a consolidated proceeding the applications of Blackstone Broadcasting Company, Inc., (File No. B3–P–5316, Docket No. 8032) and Rose Capitol Broadcasting Company (File No. B3–P–4975, Docket No. 8031) each requesting a construction permit for a new standard broadcast station to operate on 940 kc, 250 w, daytime only, at Tyler, Texas; and

It further appearing, that the Commission, on December 31, 1946, designated for hearing in the above consolidated proceeding the application of Willis Jarrel, William S. Reeves, Robert S. Boulter, William D. Lawrence, Tomas G. Pollard, Jr., and Francis Lee Lawrence, a co-partnership, d/b as Tytex Broadcasting Company, Tyler, Texas, requesting the same facilities at Tyler, Texas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Durward J. Tucker, W M. Rodgers, Irving Brown, John W Hardy, and Ray G. Thurmond, a partnership, d/b as Tyler Broadcasting Company, be, and it is hereby, designated for hearing in the above consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's order of December 19, 1946 (as amended by its order of December 31, 1946, to include the application of Tytex Broadcasting Company) designating the applications of Blackstone Broadcasting Company, Inc., and Rose Capitol Broadcasting Company for hearing in a consolidated proceeding, be, and it is hereby, amended to include the application of Durward J. Tucker, W M. Rodgers, Irving Brown, John W. Hardy, and Ray G. Thurmond, a partnership, d/b as Tyler Broadcasting Company.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47–1069; Filed, Feb. 4, 1947; 9:02 a. m.]

[Docket No. 6863]

VALDOSTA BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re: Application of Valdosta Broadcasting Company, Valdosta, Georgia, for construction permit; Docket No. 6863, File No. B3–P–4106.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 23d day of January 1947;

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcast station to operate on 910 kc, 5 kw, DA–N, unlimited time, at Valdosta, Georgia;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of E. K. Avriett, tr/as Okefenokee Broadcasting Company (File No. B3–P–5513), requesting construction permit for a new standard broadcast station to operate on 910 kc, 500 w, 1 kw–LS, unlimited time, at Waycross, Georgia, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F R. Doc. 47–1074; Filed, Feb. 4, 1947; 9:03 a. m.]

[Docket Nos. 8061, 8021, 8022]

WOOSTER REPUBLICAN PRINTING CO. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re: Applications of The Wooster Republican Printing Company, Wooster, Ohio, Docket No. 8061, File No. B2–P–5581, The Mount Vernon Broadcasting Company, Mount Vernon, Ohio, Docket No. 8021, File No. B2–P–5329; Mound Broadcasting Corporation, Newark, Ohio, Docket No. 8022, File No. B2–P–5486; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 23d day of January 1947.

The Commission having under consideration the above-entitled application of

The Wooster Republican Printing Company for a new standard broadcast station to operate on 1340 kc, 100 w, unlimited time, at Wooster, Ohio; and

It appearing, that the Commission, on December 19, 1946, designated for hearing in a consolidated proceeding the above applications of The Mount Vernon Broadcasting Company and Mound Broadcasting Corporation, requesting construction permits for new standard broadcast stations to operate on 1340 kc., 250 w., unlimited time, at Mount Vernon and Newark, Ohio, respectively·

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of The Wooster Republican Printing Company be, and it is hereby, designated for hearing in the above consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the order of the Commission dated December 19, 1946, designating the applications of The Mount Vernon Broadcasting Company and Mound Broadcasting Corporation for hearing in a consolidated proceeding, be, and it is hereby, amended to include the application of The Wooster Republican Printing Company.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-1067; Filed, Feb. 4, 1947; 9.03 a. m.]

[Docket Nos. 8062, 7961, 7960]

CRESCENT BAY BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re: Applications of Crescent Bay Broadcasting Company, Santa Monica, California, Docket No. 8062, File No. B5-P-5589; Ken Henryson, Edward J. Murset, and Victor S. Layne, a partnership, d/b as California Broadcasting Company, Santa Monica, California, Docket No. 7961, File No. B5-P-5419; Tom C. Carrell, d/b as San Fernando Valley Broadcasting Company, San Fernando, California, Docket No. 7960, File No. B5-P-5387; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 23d day of January 1947;

The Commission having under consideration the above-entitled application of Crescent Bay Broadcasting Company for a construction permit for a new standard broadcast station to operate on 1460 kc, 250 w, daytime only, at Santa Monica, California; and

It appearing, that the Commission, on November 21, 1946, designated for hearing in a consolidated proceeding the applications of Ken Henryson, Edward J. Murset, and Victor S. Layne, a partnership, d/b as California Broadcasting Company (File No. B5-P-5419; Docket No. 7961), requesting construction permit for a new standard broadcast station to operate on 1450 kc, 250 w, daytime only, at Santa Monica, California, and Tom C. Carrell, d/b as San Fernando Valley Broadcasting Company (File No. B5-P-5387; Docket No. 7960), requesting construction permit for a new standard broadcast station to operate on 1450 kc, 250 w, unlimited time, at San Fernando, California;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Crescent Bay Broadcasting Company be, and it is hereby, designated for hearing in the above consolidated proceeding, to be held on February 12 and 13, 1947 at San Fernando and Santa Monica, California, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's orders of November 21, 1946, designating the applications of Ken Henryson, Edward J. Murset and Victor S. Layne, a partnership, d/b as California Broadcasting Company, and Tom C. Carrell, d/b as San Fernando Valley Broadcasting Company, for hearing in a consolidated proceeding, be, and they are hereby, amended to include the application of Crescent Bay Broadcasting Company.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-1068; Filed, Feb. 4, 1947; 9:02 a. m.]

[Docket No. 8059]

WASHINGTON BROADCASTERS, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re: Application of Washington Broadcasters, Inc., Spokane, Washington, for constuction permit; Docket No. 8059, File No. B5-P-4462.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 23d day of January 1947.

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on 790 kc, 5 kw, unlimited time, using a directional antenna, at Spokane, Washington;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby designated for hearing in a consolidated proceeding with the application of Spokane Broadcasting Corporation (KFIO) (File No. B5-P-5559), Spokane, Washington, requesting a change in frequency and power from 1230 kc, 250 w, unlimited time, to 790 kc, 5 kw, unlimited time, using a directional antenna, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the

proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other boadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Spokane Broadcasting Corporation (File No. B5–P–5559) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F R. Doc. 47–1070; Filed, Feb. 4, 1947; 9:02 a. m.]

[Docket No. 8063]

OKEFENOKEE BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re: Application of E. K. Avriett, tr/as Okefenokee Broadcasting Company, Waycross, Georgia, for construction permit; Docket No. 8063, File No. B3–P–5513.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 23d day of January 1947;

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcast station to operate on 910 kc, 500 w, 1 kw-LS, unlimited time, at Waycross, Georgia;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Valdosta Broadcasting Company (File No. B3–P–4106, Docket No. 6863), requesting construction permit for a new standard broadcast station to operate on 910 kc, 5 kw, DA-N, unlimited time, at Valdosta, Georgia, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47–1073; Filed, Feb. 4, 1947; 9:01 a. m.]

[Docket No. 8067]

MIDLAND BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re: Application of Midland Broadcasting Company, Kansas City, Missouri, for construction permit; Docket No. 8067, File No. B4–P–5154.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 23d day of January 1947;

The Commission having under consideration a petition for reconsideration filed November 19, 1946, by the Ozarks Broadcasting Company, Springfield, Missouri (KWTO) directed against the Commission's action taken on October 31, 1946, granting without hearing the above-entitled application of Midland Broadcasting Company Kansas City, Missouri, for a construction permit (File No. B4–P–5154) to erect and operate a new standard broadcast station, to operate on the frequency of 550 kc., with 5 kw. power, directional antenna, daytime only and the opposition thereto filed November 29, 1946, by the Midland Broadcasting Company, Kansas City, Missouri; and

It appearing, that according to the petition of the Ozarks Broadcasting Company (KWTO) the operation of the proposed standard broadcasting station at Kansas City, Missouri (transmitter to be located at Concordia, Kansas) will result in interference in the area served by the Ozarks Broadcasting Company (KWTO) within its normally protected 0.5 mv/m contour;

It is ordered, That pursuant to section 405 of the Communications Act of 1934, as amended, and § 1.390 (a) (2) of the Commission's rules, the petition for reconsideration be, and it is hereby, granted; and the action of the Commission of October 31, 1946, granting without hearing the above-entitled application of the Midland Broadcasting Company be, and it is hereby, set aside.

It is further ordered, That the above-entitled application of the Midland Broadcasting Company, Kansas City, Missouri, for a construction permit, be, and it is hereby, designated for hearing, and that the said hearing be held at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station, and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered, and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Stations KWTO at Springfield, Missouri; KLZ at Denver, Colorado; WIBW at Topeka, Kansas; and KSAC at Manhattan, Kansas; or with the proposed operation of KCRS at Midland, Texas, as authorized by Decision and Order of December 6, 1946; or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending applications of Radio Broadcasting, Inc. (File No. B3–P–3915; Docket No. 7156), KSAC, Inc. (File No. B4–P–4874) and Fred Jones, C. A. Vose, Streeter B. Flynn and Dan W James, a partnership, doing business as Fred Jones Radiocasting and Television Company (File No. B3–P–5404), or in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of

other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to § 3.30 (b) of said rules.

7. To determine the overlap, if any, that will exist between the service areas of the proposed station and of Station KMBC at Kansas City, Missouri, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's Rules.

It is further ordered, That Ozarks Broadcasting Company, licensee of Station KWTO, Springfield, Missouri; KLZ Broadcasting Company, licensee of Station KLZ, Denver, Colorado; Topeka Broadcasting Association, Inc., licensee of Station WIBW Topeka, Kansas; KSAC, Inc., licensee of KSAC, Manhattan, Kansas; Millard Eidson, Independent executor of the estate of Clarence Scharbauer, deceased licensee of Station KCRS, Midland, Texas; and Radio Broadcasting, Incorporated, Hot Springs, Arkansas, be, and they are hereby, made parties to this proceeding.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1066; Filed, Feb. 4, 1947; 9:03 a. m.]

[Docket Nos. 8069, 6805, 7977]

SAGINAW BROADCASTING CO. (WSAM) ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re: applications of Saginaw Broadcasting Company (WSAM) Saginaw, Michigan, Docket No. 8069, File No. B2-P-5578; Booth Radio Stations, Inc., Saginaw, Michigan, Docket No. 6805, File No. B2-P-4088; Federated Publications, Inc., Lansing, Michigan, Docket No. 7977, File No. B2-P-5385; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 23d day of January 1947;

The Commission having under consideration the above-entitled application of Saginaw Broadcasting Company, requesting a construction permit to change operating assignment of existing station WSAM from 1400 kc, 250 w power, to 790 kc, with 1 kw power, to install a new transmitter, change transmitter location, and install directional antenna for day and night use; a motion to dismiss the said application filed by Booth Radio Stations, Inc., on the ground that it is inconsistent with and conflicts with the pending application (File No. B2-P-5488) of Saginaw Broadcasting Company for change in transmitter site and antenna system of its present operation, in violation of § 1.362 of the Commission's rules and regulations; and an opposition thereto by the applicant; and

It appearing, that the said application of Saginaw Broadcasting Company, requesting change in present operating assignment of Station WSAM is not inconsistent nor in conflict with its pending application (File No. B2-P-5488), and

It further appearing, that the Commission, on September 5 and December 5, 1946, designated for hearing in a consolidated proceeding the application of Booth Radio Stations, Inc. (File No. B2-P-4088, Docket No. 6805), requesting a construction permit for a new standard broadcast station to operate on 790 kc, with 250 w power, employing a directional antenna for use day and night, unlimited time, at Saginaw, Michigan, and the application of Federated Publications, Inc. (File No. B2-P-5385, Docket No. 7977), requesting the same facilities at Lansing, Michigan; and that a hearing on the said applications is currently set for January 27, 1947, at Washington, D. C.,

It is ordered, That the said motion to dismiss filed by Booth Radio Stations, Inc., be, and it is hereby, denied; and that, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application (File No. B2-P-5578) of Saginaw Broadcasting Company (WSAM) be, and it is hereby, designated for hearing in the above consolidated proceeding, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders, to construct and operate Station WSAM as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station WSAM as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of station WSAM as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station WSAM as proposed would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station WSAM as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the orders of the Commission dated September 5 and December 5, 1946, designating for hearing in a consolidated proceeding, the said applications of Booth Radio Stations, Inc., and Federated Publications, Inc., be, and they are hereby, amended to include the above entitled application of Saginaw Broadcasting Company (WSAM).

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1072; Filed, Feb. 4, 1947; 9:01 a. m.]

[Designation Order 5-A]

DESIGNATION OF MOTIONS COMMISSIONER FOR JANUARY 27 TO 29, 1947, INCLUSIVE

It is ordered, This 22d day of January 1947, pursuant to § 1.111 of the Commission's rules and regulations and designation Order No. 5, that C. J. DURR, Commissioner, be, and he is hereby, designated as substitute Motions Commissioner for the period January 27 to 29, 1947, inclusive, in the absence of Paul A. Walker, Commissioner.

[SEAL] CHARLES R. DENNY,
Chairman.

[F. R. Doc. 47-1071; Filed, Feb. 4, 1947; 9:02 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-840]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION

JANUARY 29, 1947.

Notice is hereby given that on January 23, 1947, Cities Service Gas Company (applicant), a Delaware corporation, having its principal place of business at Oklahoma City, Oklahoma, and authorized to do business in the States of Oklahoma, Kansas, Texas, Nebraska and Missouri, filed an application (an application for a temporary certificate having been filed on December 30, 1946) for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize applicant to construct and operate a meter setting at a point mutually convenient to applicant and Georgia Oil & Gas Company on applicant's 18-inch pipe line in the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of section 15, Township 28 North, Range 13 East, Washington County, Oklahoma, for the purpose of delivering and selling emergency gas to Georgia Oil & Gas Company for resale to Copan Gas Company, which in turn serves customers in Washington County, Oklahoma.

Applicant recites that local supplies of gas available to Georgia Oil & Gas Company have become depleted to such an extent that emergency service is required in order to insure an adequate supply of gas to Georgia Oil & Gas Company on winter days. Applicant will deliver such volumes of gas to Georgia Oil & Gas Company limited, however, to such gas as applicant can safely spare over and above

applicant's requirements to its existing customers.

Applicant states that until such time as new rate schedules are filed by Applicant and allowed to become effective by the Federal Power Commission, the rate proposed to be charged by Applicant for the emergency service to be rendered is thirty-five cents (35¢) per Mcf or Twenty-five dollars ($25.00) per month minimum charge.

Applicant estimates the total over-all cost of construction of the proposed facility is $700, which fund Applicant proposes to disburse from its own treasury.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of Cities Service Gas Company should file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1050; Filed, Feb. 4, 1947; 9:07 a. m.]

[Docket No. G-771]

NATURAL GAS PIPELINE CO. OF AMERICA AND TEXOMA NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JANUARY 30, 1947.

Notice is hereby given that, on January 29, 1947, the Federal Power Commission issued its findings and order entered January 28, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F R. Doc. 47-1047; Filed, Feb. 4, 1947; 9:07 a. m.]

[Docket Nos. G-220 and G-402]

MONDAKOTA GAS CO. AND MONTANA-DAKOTA UTILITIES CO.

NOTICE OF ORDER CONFIRMING TRANSPORTATION RATE

JANUARY 30, 1947.

In the matter of Mondakota Gas Company (Successor to Mondakota Development Company) Complainant, v. Montana-Dakota Utilities Co., Defendant, Docket No. G-220; Montana-Dakota Utilities Co., Respondent, Docket No. G-402.

Notice is hereby given that, on January 29, 1947, the Federal Power Commission issued its Opinion No. 148 and order entered January 28, 1947, confirming transportation rate in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1049; Filed, Feb. 4, 1947; 9:07 a. m.]

[Docket No. G-772]

CHICAGO DISTRICT PIPELINE CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JANUARY 30, 1947.

Notice is hereby given that, on January 29, 1947, the Federal Power Commission issued its findings and order entered January 28, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1048; Filed, Feb. 4, 1947; 9:04 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 29678]

INCREASED PASSENGER FARES ON NEW HAVEN RAILROAD

JANUARY 30, 1947.

By petition dated January 2, 1947, and for reasons therein stated, Howard S. Palmer, James Lee Loomis, and Henry B. Sawyer, trustees of the property of The New York, New Haven and Hartford Railroad Company, debtor, request this Commission to authorize petitioners to increase their interstate basic one-way passenger fares in coaches to 2.5 cents per mile and in parlor and sleeping cars to 3.5 cents per mile, sufficient to be added to the resulting fares so that they will end in 0 or 5, with a minimum one-way fare of 20 cents, between stations on their lines in the States of New York, Connecticut, Rhode Island, and Massachusetts; to increase their interstate basic one-way passenger fares in coaches and parlor and sleeping cars between stations on their lines in said States and stations on connecting lines sufficiently to reflect the proposed increases in the interstate one-way passenger fares on their lines; and to increase by 20 percent the interstate commutation passenger fares between stations on their lines in the said four States.

The Commission is further asked to modify its order of February 28, 1936, in Passenger Fares and Surcharges, 214 I. C. C. 174, as subsequently modified, sufficiently to permit the establishment and maintenance of the proposed increased and minimum interstate local and interline one-way fares, the order in question not embracing commutation fares; and to authorize the establishment of all of the proposed increased fares and the minimum one-way fare on 5 days' notice and without suspension of the proposed commutation fares.

The petition above described has been docketed as No. 29678, Increased Passenger Fares—New Haven Railroad, and is assigned for hearing as set forth in the next succeeding paragraph hereof. Interstate local and interline one-way railroad passenger travel and fares are considered to be sufficiently different from interstate commutation passenger travel and fares as to warrant separate hearings in the best interests of the record, the parties, and the Commission.

The petition herein described is assigned for public hearing before Commissioner John L. Rogers and Examiner Burton Fuller on March 24, 1947, 9:30 o'clock a. m., United States standard time, at the United States Court Rooms, Hartford, Conn., with respect to the proposed increased interstate local and interline one-way passenger fares and the minimum one-way fare; and on March 27, 1947, 9:30 o'clock a. m., United States standard time, at 641 Washington Street, New York, New York, with respect to the proposed increased interstate commutation passenger fares.

A copy of this notice has, on the date hereof, been sent by regular mail to the said petitioners, the Governors and the rate regulatory authorities of the States of New York, Connecticut, Rhode Island, and Massachusetts, and every person who has thus far evidenced an interest therein; and at the same time copies have also been posted in the office of the Secretary of the Commission at Washington, D. C., and filed with the Director, Division of Federal Register, Washington, D. C.

By the Commission.

[SEAL] W P BARTEL,
Secretary.

[F. R. Doc. 47-1062; Filed, Feb. 4, 1947; 9:09 a. m.]

[S. O. 396, Special Permit 92]

RECONSIGNMENT OF CITRUS FRUITS AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., January 28 or 29, 1947, by California Fruit Growers Exchange, of cars PFE 15172, PFE 50754, URTX 7293, SFRD 35346 and FGE 21477, citrus, now on the Baltimore and Ohio R. R., to California Fruit Growers Exchange, New York, N. Y. (B&O) and car GARX 9240, oranges, now on the Baltimore and Ohio R.R., to California Fruit Growers Exchange, Baltimore, Md. (B&O)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American

Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 28th day of January 1947.

V. C. CLINGER,
Director
Bureau of Service.

[F. R. Doc. 47-1061; Filed, Feb. 4, 1947; 9:09 a. m.]

[S. O. 672]

UNLOADING OF BEER AT COLUMBIA, S. C.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 29th day of January A. D. 1947.

It appearing, that 2 cars containing beer at Columbia, South Carolina, on the Atlantic Coast Line Railroad Company, shipped by Heirloom, Inc., Jersey City, New Jersey, have been on hand under load for unreasonable lengths of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action; It is ordered, that:

(a) *Beer at Columbia, S. C., be unloaded.* The Atlantic Coast Line Railroad Company, its agents or employees, shall unload immediately cars DRGW 69005 and C&O 4015, loaded with beer, now on hand at Columbia, South Carolina, consigned shipper's order, notify Grocery Supply Company, Columbia, S. C.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., January 31, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing of copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911, 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-1060; Filed, Feb. 4, 1947; 9:09 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-33, 59-25]

UNITED CORP.

ORDER FOR HEARING ON APPLICATION FOR MODIFICATION OF COMMISSION'S FINDINGS AND OPINION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of January 1947.

The United Corporation ("United"), a registered holding company, having filed an application, and an amendment thereto, for a modification of the Commission's findings and opinion accompanying its order of August 14, 1943 entered in the above-entitled proceedings, so as to require that United's plan for future operations be approved only by the holders of a majority of the common stock voting as a class; and

The Commission having given public notice of the filing of such application and having therein given all interested persons an opportunity to request that a hearing be held thereon (Cf. Holding Company Act Release No. 7140), and

A beneficial owner of shares of the common stock of United having notified the Commission of his objections to the granting of said application, and having requested that a hearing be held with respect to said matter; and

It appearing to the Commission that it is appropriate and in the public interest and the interest of investors that a public hearing be held before the Commission for the purpose of affording interested persons an opportunity to be heard on the merits of said application, as amended;

It is therefore ordered, That any person desiring to be heard with respect to said application, as amended, shall appear before the Commission, at 2:30 p. m., e. s. t., on February 3, 1947, at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated at that time by the hearing room clerk in room 318.

It is further ordered, That notice of this hearing be given to United and to any other person who has filed an appearance in this proceeding by mailing to them copies of this order by registered mail, and to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Holding Company Act of 1935 and by publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-1055; Filed, Feb. 4, 1947; 9:01 a. m.]

[File No. 70-1427]

GAS AND ELECTRIC ASSOCIATES AND GENERAL PUBLIC UTILITIES CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of January 1947.

General Public Utilities Corporation ("GPU"), a registered holding company, and its subsidiary, Gas and Electric Associates ("Associates") having filed a joint application-declaration, as amended, pursuant to sections 9 (a) 10 and 12 of the Public Utility Holding Company Act of 1935, with respect to the transactions which are summarized below:

The transaction herein proposed is the complete liquidation of Associates and the elimination of all GPU's interest in the certificates of beneficial interest in, and notes payable of, Associates, GPU is the only creditor of, and holder of certificates of beneficial interest in, Associates.

Associates holds $18,612,700 principal amount of 8% Income Notes Due March 1, 1967 of Utilities Investing Trust (formerly known as Manson Securities Trust and hereinafter called "UIT") and is the plaintiff in certain litigation pending in the Superior Court in the Commonwealth of Massachusetts in Middlesex County, instituted on October 16, 1942, by Associates against New England Gas and Electric Association ("Negas") and UIT, which litigation is entitled "Smith, et al. v. Goodale, et al." (hereinafter called the "Negas litigation"). Certain plans for reorganization of Negas have been proposed by Negas (see Docket File Nos. 59-34, 59-64 and 54-120) which by their terms would dispose of the Negas litigation (said plans being hereinafter called the "Negas Plan")

Associates will assign, transfer and distribute to GPU all its assets, including said $18,612,700 principal amount of 8% Income Notes Due March 1, 1967 of UIT and all causes of action, both legal and equitable, including the causes of action asserted in the Negas litigation. GPU will transfer and deliver to Associates all the certificates of beneficial interest in, and all the notes payable of, Associates. Such notes payable will be canceled by Associates but the certificates of beneficial interest will not be cancelled and Associates will not terminate its existence, until such time as the Negas litigation has been concluded or settled by consummation of the Negas Plan or otherwise disposed of.

Associates has agreed to continue the prosecution of the Negas litigation and

the causes of action therein asserted but in the event of Associates' failure to prosecute said causes of action, it has agreed to return to GPU all the certificates of beneficial interest in Associates transferred and delivered to it by GPU.

Applicants-declarants having requested that the order to be issued with respect to the proposed transactions conform with the requirements of the Internal Revenue Code, as amended, including sections 373 (a) and 1808 (f) thereof; and

Said joint application-declaration, as amended, having been filed on December 30, 1946, and amendment thereto having been filed on January 10, 1947, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated under said act; and the Commission not having received a request for hearing with respect to said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the joint application-declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder and deeming it appropriate in the public interest and in the interests of investors and consumers that the said joint application-declaration, as amended, be granted and permitted to become effective, and deeming it appropriate that the request of applicants-declarants that the order conform to the requirements of the Internal Revenue Code, as amended, including sections 373 (a) and 1808 (f) thereof, be granted;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and rules thereunder, and subject to the terms and conditions prescribed in Rule U-24, that the joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith.

It is further ordered, That the following transactions are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935:

(1) The assignment, transfer and distribution by Associates to GPU of all its assets including the following:

(a) The 8% Income Notes Due March 1, 1967 of UIT in the principal amount of $18,612,700.

(b) All causes of action, both legal and equitable, held by Associates, including the causes of action asserted by Associates in certain litigation pending in the Superior Court in the Commonwealth of Massachusetts, Middlesex County, entitled "Smith, et al. v. Goodale, et al."

(2) The transfer and delivery by GPU to Associates of the following shares of Gas and Electric Associates:

(a) 10,000 First Preferred, par value $1 per share;

(b) 10,000 Second Preferred, par value $1 per share;

(c) 10,000 Common, par value $1 per share.

(3) The surrender, transfer and delivery to Associates by GPU and the cancellation by Associates of the following obligations of Associates:

(a) Income Note dated March 31, 1939, due September 1, 1960 in the principal amount of $548,547.84;

(b) 8% Demand Notes in the principal amount of $16,602,700.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1053; Filed, Feb. 4, 1947; 9:01 a. m.]

[File No. 70-1429]

NEW ENGLAND GAS AND ELECTRIC ASSN. AND DEDHAM AND HYDE PARK GAS CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of January 1947.

New England Gas and Electric Association ("New England") a registered holding company, and its subsidiary, Dedham and Hyde Park Gas Company ("Dedham"), having filed a joint application and declaration pursuant to the Public Utility Holding Company Act of 1935, regarding the following proposals:

(1) The issuance and sale by Dedham to its parent, New England, of 6,000 shares of common capital stock at the par value of $25 per share and the use of the proceeds thus realized to pay off $150,000 principal amount of open account indebtness owing to New England; and

(2) The issuance and sale by Dedham to Massachusetts Mutual Life Insurance Company of $125,000 principal amount of 3½% serial notes, Series A, due 1961, at 102¼. The net proceeds to be realized from the sale of the note issue, together with $37,140 to be drawn from the company's Plant Replacement Fund Asset's Account, will be used to pay a short-term note in the amount of $25,000 payable to The First National Bank of Boston and to finance extensions, additions and improvements to Dedham's plant and properties during the three-year period ending December 31, 1948.

Said joint application-declaration having been filed on January 3, 1947, and notice of such filing having been duly given in the manner and form prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to any of said matters within the period specified in such notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the Department of Public Utilities of the Commonwealth of Massachusetts has, by appropriate order, approved the aforesaid transactions by Dedham; and the Commission being satisfied that the applicable requirements of the act, particularly sections 6 (b) and 10 thereof, are met, and that it is appropriate in the public interest and in the interests of investors and consumers that said joint application be granted and that said declaration be permitted to become effective;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid joint application-declaration be, and the same hereby is, granted and permitted to become effective.

By the Commission

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1052; Filed, Feb. 4, 1947; 9:01 a. m.]

[File No. 812-476]

BANKERS SECURITIES CORP. AND LIT BROS.

NOTICE OF APPLICATION, STATEMENT OF ISSUES AND ORDERS FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 30th day of January A. D. 1947.

Notice is hereby given that Bankers Securities Corporation ("Bankers"), and Lit Brothers ("Lit") have filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 17 (a) of the act the proposed sale by Raymond Rosen ("Rosen") to Lit of a one-fourth interest in the property located at 5704 to 5720 North Broad Street and 1408 to 1410 West Clearview Street, Philadelphia, Pennsylvania.

Bankers is a closed-end, management, non-diversified investment company and is registered under the Investment Company Act of 1940.

Bankers owns 78.7% of the voting securities of City Stores Company. City Stores Company owns 68.6% of the voting securities of Lit. Bankers also owns 13.6% of the voting securities of Loft Candy Corporation ("Loft") Raymond Rosen is a director of Loft.

The sale of such property by an affiliated person (Rosen) of an affiliated person (Loft) of a registered investment company (Bankers) to a company (Lit) controlled by such registered investment company is prohibited by section 17 (a) of the Act.

The applicants have therefore filed an application pursuant to section 17 (b) of the act for an order of the Commission exempting the proposed transaction from the provisions of section 17 (a) of the act, and they assert that the proposed transaction meets the standards and requirements of section 17 (b)

All interested persons are referred to said application which is on file in the offices of the Commission for a more detailed statement of the proposed transaction and the matters of fact and law asserted.

The Corporation Finance Division of the Commission has advised the Commission that upon a preliminary examination of the application, it deems the

following issues to be raised thereby without prejudice to the specification of additional issues upon further examination:

(1) Whether the proposed transaction is fair and reasonable;

(2) Whether the proposed transaction involves overreaching on the part of any person concerned;

(3) Whether the proposed transaction is consistent with the policy of Bankers as recited in the registration statement and reports filed under the act;

(4) Whether the proposed transaction is consistent with the general purposes of the act.

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on February 12, 1947, at 10 a. m., Eastern Standard Time, Room 318 in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

It is further ordered, That William W Swift, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

Notice of such hearing is hereby given to the above-mentioned Bankers Securities Corporation, Lit Brothers and Raymond Rosen, and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise desiring to participate in said proceedings should file with the Secretary of the Commission, on or before February 10, 1947 his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

F. R. Doc. 47-1056; Filed, Feb. 4, 1947; 9:00 a. m.]

[File Nos. 54-54, 70-559, 59-50]

NORTHERN STATES POWER CO. ET AL.

ORDER DENYING MOTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of January A. D. 1947.

In the matter of Northern States Power Company (Delaware) File No. 54-54; Northern States Power Company (Minnesota), File No. 70-559; Northern States Power Company (Delaware) and each of its subsidiaries, File No. 59-50.

The Commission having on November 8, 1946, issued its findings and opinion and order in these proceedings in which Northern States Power Company, a Delaware corporation, was ordered pursuant to section 11 (b) (2) of the act to terminate its continued existence and to proceed with due diligence to submit a plan or plans for its prompt liquidation and dissolution in a manner consistent with the provisions of the act;

Northern States Power Company, a Delaware corporation, having filed a motion on December 21, 1946, requesting that the Commission modify its order of November 8, 1946, by deleting therefrom the provisions requiring the termination of the existence of Northern States Power Company (Delaware) pursuant to section 11 (b) (2) of the act and the submission of a plan or plans consistent with the provisions of the act;

The Commission having considered said motion and having concluded that said motion should be denied, for the reasons set forth in its memorandum opinion, filed herein, to which reference is hereby made;

It is ordered, That the motion of Northern States Power Company, a Delaware corporation, to modify said order dated November 8, 1946, be and it is hereby denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-1054; Filed, Feb. 4, 1947; 9:01 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 8039]

ANNA SCHMALZLEIN

In re: Bank account owned by Anna Schmalzlein. F-28-5155-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Schmalzlein, whose last known address is 24 Beim Wahlbaum, Nuernberg-Reichelsdorf, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligations owing to Anna Schmalzlein by the Bank of America National Trust & Savings Association, 300 Montgomery Street, San Francisco, California, arising out of a savings account, entitled Anna Schmalzlein, maintained at the branch office of the aforesaid bank located at 783 Market Street, San Francisco 3, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1023; Filed, Feb. 3, 1947; 8:55 a. m.]

[Vesting Order 8105]

RUDOLF AND HEDWIG FETSCH

In re: Bank account owned by Rudolf Fetsch and Hedwig Fetsch, F-39-4584-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rudolf Fetsch and Hedwig Fetsch, whose last known address is Nada Ku, Takaha Aza Sumida, 49 Ban 6 No. 2, Kobe, Japan, are residents of Japan and nationals of a designated enemy country (Japan),

2. That the property described as follows: That certain debt or other obligation owing to Rudolf Fetsch and Hedwig Fetsch, by Wells Fargo Bank & Union Trust Co., 4 Montgomery Street, San Francisco, California, arising out of a checking account, entitled Rudolf Fetsch and Hedwig Fetsch, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not

within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended:

(40 Stat. 411, 55 Stat. 839; Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925, 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942; 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F R. 11981)

Executed at Washington, D. C., on January 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-1030; Filed, Feb. 3, 1947; 8:55 a. m.]

[Vesting Order 8010]

JUSTUS OESTERLEIN

In re: Trust under the will of Justus Oesterlein, deceased. File No. D-28-6551, E. T. sec. 4512.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Martin Saalheimer, Hans Rinskopf, and Joseph Hecht, and each of them, in and to the trust under the will of Justus Oesterlein, deceased,

is propertly payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely:

Nationals and Last Known Address

Martin Saalheimer, Germany.
Hans Rinskopf, Germany.
Joseph Hecht, Germany.

That such property is in the process of administration by James H. Abraham and Alfred L. Rose, Trustees of the Estate of Justus Oesterlein, deceased, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

And determined; that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany:

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1; 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-1087; Filed, Feb. 4, 1947, 9:08 a. m.]

CALIFORNIA SPRAY-CHEMICAL CORP.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimant	Claim No.	Vesting order No.	Property	Location
California Spray-Chemical Corp., Richmond, Calif.	A-217	16 (7 F. R. 4400)	U. S. Letters Patent No. 2,163,560.	Washington, D. C.

Executed at Washington, D. C. on January 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-1091; Filed, Feb. 4, 1947; 9:08 a. m.]

[Vesting Order 8106]

YOKOHAMA SPECIE BANK, LTD.

In re: Claim owned by The Yokohama Specie Bank, Limited, Yokohama, Japan. F-39-782.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That The Yokohama Specie Bank, Limited, whose last known address is Yokohama, Japan, is a corporation, organized under the laws of Japan, and has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan),

2. That the property described as follows: That certain debt or other obligation owing to The Yokohama Specie Bank Limited, Yokohama, Japan, by The Yokohama Specie Bank, Limited, Honolulu Office, Honolulu, T. H., P. O. Box 1200, Honolulu, T. H., in the amount of $27,856.76, as of August 14, 1942, described as "Asset #260, Manager's Residence" on the books of account of Roger E. Brooks, Receiver of The Yokohama Specie Bank, Limited, Honolulu, T. H., together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-1090; Filed, Feb. 4, 1947; 9:08 a. m.]